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BY JOHN C. RIVES.

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WASHINGTON, TUESDAY, DECEMBER 17, 1861—TWELVE O'CLOCK, MERIDIAN.

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THIRTY-SEVENTH CONGRESS.
SECOND SESSION.

IN SENATE.

MONDAY, *December* 16, 1861.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

Hon. WAITMAN T. WILLEY, of Virginia, appeared in his seat to-day.

The Journal of Thursday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE PRESIDENT laid before the Senate a message from the President of the United States communicating, in compliance with a resolution of the Senate, copies of the charges, testimony, and finding of the recent court of inquiry in the case of Colonel Dixon H. Miles, of the United States Army; which was ordered to lie on the table.

He also laid before the Senate a letter from Ward H. Lamon, marshal of the District of Columbia, in answer to a resolution of the Senate of the 9th instant, asking him by what authority he receives slaves into the jail of the District of Columbia at the request of their masters; which was referred to the Committee on the District of Columbia.

He also laid before the Senate a report of the Secretary of War, in answer to a resolution of the Senate of the 11th instant, calling for information whether any aid and what aid is rendered by the pay department of the Army to enable volunteers to transmit home any part of their pay, and what additional facilities may be extended to that object; which was referred to the Committee on Military Affairs and the Militia, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. KING. I present a memorial of the Chamber of Commerce of the State of New York, praying that the United States assay office, in the city of New York, shall have conferred upon it the privilege of coining into the national currency such portion of gold and silver bullion as may be deposited with the treasurer at that office for that purpose. I move that it be referred to the Committee on Finance, and be printed.

The VICE PRESIDENT. The memorial will be referred to the Committee on Finance; and the motion to print will go to the Committee on Printing.

Mr. KING. The memorial contains a good deal of valuable statistical information, which I desire should be in the possession of the Senate.

The VICE PRESIDENT. The motion to print goes to the Committee on Printing, under the rules.

Mr. KING. It is only for the use of the Senate that I desire to have it printed.

The VICE PRESIDENT. The order to print may be entertained by the unanimous consent of the Senate.

Mr. KING. I hope the Senate will consent.

Mr. HALE. Let it take the usual course.

The VICE PRESIDENT. The motion will go to the Committee on Printing.

Mr. KING. The Senator withdraws his objection, I believe.

Mr. HALE. Very well.

The motion to print was agreed to.

Mr. CARLILE presented the memorial of John Brannan, praying compensation for services as librarian in the Department of State; which was referred to the Committee on the Library.

Mr. GRIMES. I present the petition of E. Fleischman, and sundry other citizens of the State of Iowa, representing that, by the act of the 22d of July, 1861, persons of the Jewish lineage and persuasion are excluded from chaplaincies in the Army, and they ask for a change of the law in that respect. I ask that the memorial be referred to the Committee on Military Affairs and the Militia.

It was so referred.

Mr. GRIMES. I also present the petition of Edwin James, sr., and others, citizens of *Des Moines county, in the State of Iowa*, who represent that the present formidable rebellion against the General Government *manifestly finds its root* and nourishment in the system of chattel slavery at the South, and they therefore ask for enactments by Congress by which it shall be absolutely and unconditionally abolished. I ask that the petition be referred to the Committee on the Judiciary.

It was *so referred*.

Mr. GRIMES. I also present the petition of E. H. Mack and others, citizens of Davenport, Scott county, Iowa, who represent that the homœopathic system of practice has the confidence of the public in every community in the loyal States, and its adherents are among the intelligent, thinking classes, whose wealth and influence are now given to the Administration in all its measures. They ask that their profession may be represented in the list of surgeons in the United States Army and Navy. I move that it be referred to the Committee on Military Affairs and the Militia.

It was so referred.

Mr. SUMNER presented the petition of Peter J. Blacker and others, citizens of the town of Islip, New York, praying Congress, in the exercise of the war power, to emancipate the slaves of rebels without paying anything, and the slaves of loyal citizens by paying for them; which was referred to the Committee on the Judiciary.

He also presented the petition of John W. Heins and others, citizens of Philadelphia, Pennsylvania, praying Congress in the exercise of the war power to emancipate the slaves of rebels without paying anything, and the slaves of loyal citizens by paying for them; which was referred to the Committee on the Judiciary.

Mr. SUMNER. I have also a petition from citizens of the county of Windsor, in the State of Vermont, in which it is set forth that the declared objects of the Constitution are to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to the people of the United States and their posterity, and that it is necessary at the present time to preserve the Constitution and the Union by suppressing the rebellion. The petitioners pray that Congress will provide by law for calling on all the inhabitants of the United States, of all conditions, bond and free, to aid in the support of the Government, assured of its protection under the flag of our national Union and freedom. I ask that the petition be referred to the Committee on the Judiciary.

It was so referred.

Mr. SUMNER. I have also a petition, signed by the Mayor of Boston, Massachusetts, and by the leading editors of that city. I believe it is similar to one already presented by the Senator from Iowa, complaining of the existing statute in regard to the chaplains as unconstitutional, and asking for its repeal as an act of justice to the Jewish citizens of the country. I ask the reference of this petition to the Committee on Military Affairs and the Militia.

It was so referred.

Mr. CHANDLER presented the petition of Ross Wilkins and others, citizens of Michigan, praying for the adoption of measures for the exchange of prisoners; which was referred to the Committee on Military Affairs and the Militia.

He also presented the petition of Austin Blair, Governor of the State of Michigan, and seventy others, praying for the adoption of measures for the exchange of prisoners; which was referred to the Committee on Military Affairs and the Militia.

He also presented the memorial of the executive board of the Michigan conference, praying that the President of the United States may be authorized and required to proclaim the freedom of all the slaves in the United States; which was referred to the Committee on the Judiciary.

Mr. FESSENDEN presented the petition of James F. Patten, D. C. Magoun, and others, citizens of Bath, Maine, praying that the term of the district court now held at Wiscasset, may be hereafter held at Bath; which was referred to the Committee on the Judiciary.

Mr. WILSON presented the petition of James W. Beekman, John J. Cisco, and other citizens of New York, praying for the enactment of a law to provide for the proper management and remittance of the allotments of pay which may be made by the soldiers to their families; which was referred to the Committee on Military Affairs and the Militia.

Mr. SIMMONS presented the petition of Mrs. Jane B. Evans, praying for the renewal of a patent for a safety guard; which was referred to the Committee on Patents and the Patent Office.

Mr. SAULSBURY presented the memorial of Haym M. Salomon, praying indemnity and relief for moneys advanced by his father, Haym Salomon, to the Government during the revolutionary war; which was referred to the Committee on Revolutionary Claims.

Mr. HARRIS presented a memorial of the Board of Delegates of American Israelites, praying that the acts of Congress of July 22 and August 2, 1861, may be so amended that there shall be no discrimination as against professors of the Jewish faith in the appointment of chaplains in the service of the United States; which was referred to the Committee on Military Affairs and the Militia.

Mr. HALE presented the petition of Captain John H. Aulick, United States Navy, asking that certain deductions which have been made from his pay may be allowed him; which was referred to the Committee on Naval Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. KING, it was

Ordered, That leave be granted to withdraw from the files of the Senate the petition of Catherine Shepherd, widow of George Shepherd, a soldier in the war of the Revolution, praying to be allowed a pension.

On motion of Mr. KING, it was

Ordered, That the petitions for amendment of the law respecting pilots, and the papers relating to the same, on the files of the Senate, be referred to the Committee on Commerce.

OBJECT OF THE WAR.

Mr. TEN EYCK. I present a resolution, not with a view to its immediate consideration, but that it may be read, laid on the table, and printed:

Resolved, That the present war is for the Union, according to the Constitution; that its object is to save the former and enforce the latter—was so in the beginning, is now so carried on, and should be, to the last; that measures, extreme and radical, disruptive in themselves, involving in a common fate as well the loyal as disloyal, should not be resorted to; and that in crushing treason—wide-spread and hateful as it is—the Government itself cannot prove traitor to organic law.

The resolution was ordered to lie on the table, and be printed.

NAVAL PRIZE MONEY.

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

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency and propriety of dividing among the loyal officers of the Navy, that portion of prize money which would have been distributed to disloyal officers, but which has been withholden on account of their disloyalty.

SLAVES OF REBELS.

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

Resolved, That the Committee on Military Affairs and the Militia be instructed to inquire into the expediency and propriety of establishing by law a uniform mode of dealing with the slaves of rebels escaping from their masters, or taken as prisoners by our Army.

COLLECTION OF DEBTS BY REBELS.

Mr. LANE, of Indiana, submitted the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of prohibiting by law, all the aiders and abettors of the present wicked rebellion, from bringing suits for the collection of debts in any of the courts of the United States, and to report by bill or otherwise.

WIDOW OF HON. E. D. BAKER.

Mr. WILSON. I ask leave to submit a resolution, and I suppose there can be no opposition to its consideration now:

Resolved, That the usual amount for the expenses of conveying the remains of a deceased Senator to his late place of residence be paid out of the contingent fund to the widow of Hon. Edward D. Baker, late a Senator from the State of Oregon.

Mr. FESSENDEN. That makes an appropriation, and it should properly be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. All resolutions appropriating money out of the contingent fund, must necessarily go to the Committee to Audit and Control the Contingent Expenses of the Senate, and have three several readings.

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

PACIFIC RAILROAD SURVEYS.

Mr. McDOUGALL submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That for the purpose of making corrections in the plate of the "map of Territory and military department of Utah," compiled in the Bureau of Topographical Engineers, and for printing one thousand copies of the same for Pacific railroad purposes; also for printing the same number of copies of the upper half of the general map of the territory of the United States, compiled by the War Department, showing Pacific railroad surveys, there be and is hereby appropriated out of the contingent fund of the Senate the sum of $650.

WINTER QUARTERS FOR TROOPS.

Mr. LANE, of Kansas. I offer the following resolution:

Resolved, That the Secretary of War be requested to furnish to the Senate copies of the orders directing the erection of barracks and other buildings for winter quarters for the Kansas troops.

The VICE PRESIDENT. Does the Senator ask for the consideration of the resolution at the present time?

Mr. LANE, of Kansas. I desire the resolution to lie on the table at present; and to-morrow I propose to call it up, and submit a few remarks to the Senate on the subject.

The VICE PRESIDENT. The resolution will lie over.

PATENTS TO COLORED PEOPLE.

Mr. SUMNER. I offer the following resolution, and ask for its present consideration:

Resolved, That the Committee on Patents and the Patent Office be directed to consider if any further legislation is necessary in order to secure to persons of African descent, in our own country, the right to take out patents for useful inventions, under the Constitution of the United States.

If I can have the attention of my friend, the *chairman of the Committee on Patents*, I should like to state to him why this resolution is introduced. It is within my knowledge that a person of African descent in the city of Boston has applied *for a patent for a useful invention, and that it has* been refused to him on the ground that under the Dred Scott decision *he was not a citizen of the* United States, and, therefore, that a patent could not issue to him. I wish the committee to consider whether that abuse can in any way be removed. That is all.

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

AIDS-DE-CAMP.

Mr. SHERMAN. I have a resolution to offer:

Resolved, That the Secretary of War be requested to communicate to the Senate the names, rank, and pay of the aids-de-camp appointed under the act approved August 5, 1861, together with their rank and pay in the line at the time of their appointment.

Mr. GRIMES. I move to amend the resolution by inserting after the word "pay," where it first occurs, the words "and residence." I should like to know the citizenship of these individuals, so as to be able to identify them.

Mr. SHERMAN. I have no objection to inserting "and residence."

The resolution, as modified, was agreed to.

ESCAPE OF THE SUMTER.

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

Resolved, That the Committee on Naval Affairs be instructed to inquire and report the circumstances attending the escape of the piratical steamer, the Sumter, from Port Royal, on the 29th of November last, and that they have power to send for persons and papers.

PROPOSED EXPULSION OF MR. BRIGHT.

Mr. WILKINSON submitted the following resolution:

Whereas Hon. JESSE D. BRIGHT heretofore, on the 1st day of March, 1861, wrote a letter, of which the following is a copy:

WASHINGTON, *March* 1, 1861.

MY DEAR SIR: *Allow me to introduce to your acquaintance* my friend Thomas B. Lincoln, of Texas. He visits your capital mainly to dispose of what he regards a great improvement in fire-arms. I recommend him to your favorable consideration as a gentleman of the first respectability, and reliable in every respect.

Very truly, yours, JESSE D. BRIGHT.

To His Excellency JEFFERSON DAVIS,
President of the Confederation of States.

And whereas we believe the said letter is evidence of disloyalty to the United States, and is calculated to give aid and comfort to the public enemies: Therefore,

Be it resolved, That the said JESSE D. BRIGHT is expelled from his seat in the Senate of the United States.

Mr. COWAN. I move that the resolution be referred to the Committee on the Judiciary.

Mr. WILKINSON. Mr. President——

The VICE PRESIDENT. The first question is: "Will the Senate consider the resolution at the present time?" In the opinion of the Chair, it is a privileged question, and is entitled to consideration at the present time. The resolution is, therefore, before the Senate; and the question is on referring it to the Committee on the Judiciary.

Mr. WILKINSON. I should have offered this resolution some days ago, but for the fact that the Senator from Indiana was not in his seat. I have deferred doing it until this morning, when he is here. I should prefer, instead of having the motion of the Senator from Pennsylvania obtain, that the Senator from Indiana should express his wishes in regard to it. If he has no response to make, and no request to make in the premises, I do not see why it should be referred at all.

Mr. BRIGHT. I do not know, sir, how far it may be considered in good taste for me to say a word at this time on the resolution now before the Senate but I think it is eminently proper that those who are most interested in my position in the Senate should know something as to the truth or falsity of charges that are being made against me through licentious presses, some of which, I believe, have reporters in the gallery of the Senate.

Among other things, it has been charged, within the last week, that I have absented myself from the Senate, fearing the introduction of what the Senator from Minnesota has this morning presented; and if I were not to announce the fact that I had been confined to my room from indisposition, the world might believe that these calumnies are true. Suffice it to say, that I have been absent for the last ten days on account of indisposition. In justice to myself I know that I ought not to be here to-day; but hearing that it was the intention of the opposite side of the Chamber to question my right to a seat in this body, I thought it proper that I should attend. So much for the gratuitous falsehoods of the press on this point.

The honorable Senator from Minnesota was kind enough to show me the resolution that he has presented, and ask me if I had any objection to its introduction. I said to him, what I now repeat, that, so far from having any objection, I challenged investigation. My colleague will bear me witness that as early as the first day of this session I asked him to take the lead, and introduce a proposition here inquiring into the truth or falsity of charges that have been industriously circulated against me ever since the close of the last Congress. The motives that prompt those engaged in this system of defamation I may speak of on some other occasion.

As the Senator from Minnesota has had a letter read that purports to have been written by me, I hope he will not object to sending to the Secretary and having read a letter that I wrote in reply to one from a friend explaining it, and let them go to the committee together. In this connection—as I shall not rise again—allow me to say that, after a service of seventeen years in this body, continuously, I am not conscious of having written or said anything inconsistent with my duty as an American Senator or loyal citizen. If this resolution goes to the committee, I shall avail myself of the opportunity that will of course be afforded me of making a statement, either in person or writing, immaterial to me which. I hope the mover of the resolution will send to the Secretary's desk the letter I refer to, that it may be read and referred.

The VICE PRESIDENT. This resolution will be referred to the Committee on the Judiciary, if there be no objection.

Mr. WILKINSON. I send up a copy of the letter referred to by the Senator in his remarks, explanatory of the former letter.

The VICE PRESIDENT. That will be referred with the resolution.

Mr. FESSENDEN. I understood it to be the desire of the Senator from Indiana to have it read.

Mr. WILKINSON. Let it be read.

The VICE PRESIDENT. The letter will be read.

The Secretary read, as follows:

AT SEA FORT, *September* 7, 1861.

In reply to your favor of the 30th, just received, I have to say that I have been personally acquainted with Mr. Lincoln for more than twenty years, he having been at that time a prominent merchant of your city, where I was then residing, and was just entering on my career of life. He did me the favor to employ me as his attorney, and I generally attended to his legal business. The letter to which you refer is no doubt genuine. I have no recollection of writing it, but if Mr. Lincoln says I did, then I am amply satisfied of the fact, for I am quite sure I would have given, as a matter of course, just such a letter of introduction to any friend who had asked it. So much for the letter.

You say the impression is sought to be created, on account of this letter, that I am in complicity with the southern rebellion. I have so little regard, indeed such an utter contempt for Abolitionism, which is seeking by every means in its power to "crush out" every man who dares to dissent from the policy it prescribes, that if it were merely to satisfy the corrupt partisans of that doctrine, I would not take the trouble of denying or attempting to counteract this impression. But for your sake, and the sake of such old tried friends as you, I think it due to myself to say, that I am, and always have been, for preserving the integrity of this Union. I was laboring zealously for its preservation when these men, who are now so clamorous for its maintenance, were willing to see it go to ruin rather than abate one iota of their unconstitutional doctrine of inequality; and no man regrets more than I the continuance of public affairs, or is more anxious to see peace, unity, and fraternity restored. I do not think the policy of that party is calculated to produce such results; so far from it, the inevitable tendency of its measures, in my opinion, is to render the disruption permanent and incurable. And hence I have opposed, and so long as my present convictions last shall continue to oppose the entire coercing policy of the Government. I hope this may be satisfactory to my friends. For my enemies I care not.

Sincerely yours, &c., JESSE D. BRIGHT.

J. FITCH, *Madison, Indiana.*

The VICE PRESIDENT. This paper will be referred, together with the resolution, to the Committee on the Judiciary.

REPORT ON THE FINANCES.

Mr. ANTHONY, from the Committee on Printing, reported the following resolution:

Resolved, That ten thousand extra copies of the report of the Secretary of the Treasury on the finances be printed, nine thousand five hundred of which for the use of the Senate, and five hundred for the use of the Treasury Department.

Mr. ANTHONY. This is the usual number—the number that was printed last year. If any Senator desires to cut it down, the committee are quite indifferent as to the number that shall be printed. The subject of the finances is very interesting now.

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

NOTICE OF A BILL.

Mr. SUMNER. I give notice that I shall to-morrow, or on some subsequent day, ask leave to introduce a bill to provide for the ascertainment and satisfaction of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801.

In giving this notice, I make the explanation that *I shall do it in simple justice* to the claimants, that their case may be again before the committee, but with little expectation that at this moment it can be pressed to any decisive action.

BILLS INTRODUCED.

Mr. WILSON, in pursuance of *previous notice*, asked and obtained leave to introduce a bill (S. No. 107) authorizing an increase in the clerical force in the offices of the Adjutant General and the Paymaster-General; which was read twice by its title, and referred to the Committee on Military Affairs and the Militia.

Mr. WILSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 108) for the release of certain persons held to service or labor in the District of Columbia; which was read, and passed to a second reading, and ordered to be printed.

Mr. FESSENDEN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 109) for the relief of the legal *representatives of* J. E. Martin, deceased; which was read twice by its title, and referred, with the papers relating to the case on the files of the Senate, to the Committee on Foreign Relations.

Mr. SUMNER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 110) in relation to district attorneys; which was read twice by its title, and referred to the Committee on the *Judiciary*.

Mr. GRIMES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 111) incorporating the Washington and Georgetown Railway Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

ARRESTS BY ORDER OF STATE DEPARTMENT.

The Senate proceeded to consider the following resolution, submitted by Mr. TRUMBULL, on the 12th instant:

Resolved, That the Secretary of State be directed to inform the Senate whether, in the loyal States of the Union, any person or persons have been arrested and imprisoned, and are now held in confinement by orders from him or his Department; and, if so, under what law said arrests have been made, and said persons imprisoned.

Mr. HALE. If it would be agreeable to the Senator who introduced the resolution, I should like to have it amended by inserting "and for what cause."

Mr. TRUMBULL. I should have no objection to that inquiry, but it is evident that that would make the answer prolix, and I hardly think it is necessary to inquire into the causes of arrests of this character, if they have been made. If there is any law authorizing the State Department to arrest persons in the loyal States and hold them in confinement, it would be well for us to *know* the fact. If there is not, some legislation may be necessary. I do not see, however, what benefit can arise to the Senate from going into an investigation as to the causes of arrests. I think that to make that inquiry would impose a good deal of burden on the Secretary of State. Unless there is some object in it which I do not perceive, I feel disinclined to accept the amendment.

Mr. HALE. I had reasons for suggesting the amendment; but as it is not agreeable to the Senator who proposed the inquiry, I shall not press it at this time, as I do not wish to interfere with his resolution.

Mr. DIXON. I cannot but regret the introduction of this resolution by the honorable Senator from *Illinois. It seems to me calculated* to produce nothing but mischief, although I know the purposes of the Senator who introduced it are in the highest degree patriotic. The inquiry which he proposes I think, under the present circumstances, unnecessary and unwise, and it can, in my judgment, result in nothing favorable to the cause in which we are engaged.

What are the arrests which the resolution proposes to consider? They are well known to the country, so far at least as relates to their object and character. It is well understood that during the last six months, while our existence as a nation seemed for a time to hang upon a thread—while large armies threatened the capital, and its safety was, at one period, in great doubt, there were, in many of the loyal States, men of dangerous character and designs allowed to go at large, although it was well understood they were giving aid and comfort to the enemy in every possible manner. Some of them infested my own State. I am glad to be able to *say* that they were, for the most part, emissaries from other States, and that the disgrace of giving them birth, or of affording them a home, did not belong to us. They first manifested their treasonable purposes by attempting to institute a series of peace meetings, so called, by which they hoped to debauch the public mind and prepare it for degrading submission, under the false pretense of restoring peaceful relations between the North and the South. What effect these meetings might have had in deceiving the *more unthinking, does not* appear; but acting in accordance with the wishes of almost our entire people, the Secretary of State put a sudden stop to their treasonable designs by arresting and confining one or more of the most obnoxious. It was precisely the right thing, done at precisely the right time; and it nipped treason in Connecticut *in the bud. It struck terror to the* hearts of all who sympathized with secession, and it encouraged the hearts and strengthened the hands of every true-hearted and patriotic citizen. It was, certainly, the opinion of many that the summary process of arrest and confinement did not go far enough; that others, *equally guilty*, ought to have been placed under restraint; but the desired effect was produced, and an appeal to the fears of a certain class *accomplished what nothing* else could accomplish.

*Now, sir, I maintain that the action of the Gov*ernment in making the arrests alluded to was not only justifiable, but that not to have pursued it would have been moral treason on the part of the President. Was he to see the Government paralyzed by the unprincipled men who, under the false pretense of peace, were seeking to ruin the country by distracting and dividing our people? Was he to allow information and materials of war to be furnished to the enemy by open avowed secessionists? *For one, sir, I thank him—I thank the* Secretary of State, as does every loyal citizen of Connecticut, for any and every arrest made there; *and I shall not vote an inquiry into the* legality of these arrests. They find their justification *in the dire necessity of the time.* Delay could not be permitted. The occasion demanded the exercise of extraordinary powers, and in resorting to their exercise, the Government deserved and received the gratitude of the whole country.

Sir, it seems to me that those who now allow themselves to be troubled with constitutional scru*ples on this subject*, neglect, or are unable to see the unexampled condition in which the country is placed. What do we see around us on every *side? Men in arms, counted by tens* and hundreds of thousands, to put down the most abominably wicked rebellion the world ever saw, and our national existence actually endangered this day, notwithstanding all we have done and are *now doing; and the nations of the world looking* on in bewildered uncertainty whether we shall be able to continue our governmental existence in its *original form; the people meanwhile pouring out* their wealth by millions, and only waiting for an opportunity to pour out their blood in its defense.

Yet in the midst of all this, we in the Senate are *splitting hairs upon the question whether some* double-dyed traitor has been arrested in his villainous course in accordance with all the strictest *formalities on which pleas in abatement are de*cided in times of profound peace. Sir, I shall go *into no such inquiry. It is enough for me to know* that the public safety demands extraordinary powers, vested in and exercised by the Executive; and I shall not embarrass his bold and patriotic *action by any nicely-balanced scruples or subtle* distinctions.

I know full well that this is an occasion without a precedent, and I shall not go in pursuit of precedents to justify the executive government in resorting to the necessary means for preserving its own existence. I have the most entire confidence that the President has been guilty of no unnecessary severity. In my judgment he has erred, if at all, on the side of lenity and indulgence; and I desire to incite him to still greater earnestness and energy, rather than weaken and discourage him *by inquiries which imply a doubt of the propriety* of his action.

Sir, the war in which *we are engaged is not to* be brought to a close by any mild and gentle means. Its existence is a terrible fact which we cannot wink out of sight, *and it will be well for us* to look at it in the light of truth. If there ever was a time when we might hope to win the South back to its allegiance by half measures, a *quasi* war, that time has passed. The sternest, severest measures are now needed. For myself, I am ready to resort to any proper measures, however *stern and severe*, which, to my judgment, seem calculated to accomplish the object we have in view. I have no tender and compassionate feelings toward traitors and rebels, who are striking death blows at our Government, and who at the *same time*, through the mouths of their sympathizers, crave our merciful forbearance toward their property of whatever kind. I am for making *no distinction* between the different kinds of property held by rebels in arms. I would, if possible, render them powerless to attack and overthrow *that Constitution* which they and their sympathizers invoke in their defense, at the very moment when they are calling the world to witness that *the Constitution* is overthrown by the revolution into which they have forced us.

We hear much said about the views of conserva*tive men. Sir, I have some means of knowing* the views of this class of our people, and I assure you that they entertain different sentiments from those which controlled them while the interest now in arms against the Government sheltered itself under the protection of legality within the *pale of the Constitution.* They are not to be deterred from resorting to all necessary means of crushing out this attempt to overwhelm our nation in one universal ruin, by any appeal to the constitutional rights of armed rebels. It is *too* late for the gigantic criminal with whom we are dealing *to seek refuge within the temple*, or lay hold on the horns of the altar.

Mr. TRUMBULL. Mr. President, I am sure that no one who knows anything of the views which I entertain, will suppose that I have less *zeal for the efficient prosecution of this war*, and the suppression of this wicked rebellion, than the Senator from Connecticut. I desire the war to be prosecuted with the utmost vigor; I would have our armies active and vigilant; I would not waste the energies of this great nation guarding persons *in the loyal States; but I would strike with the* power of six hundred thousand men, at the traitors in arms; and under the military power I would *crush them to the earth* at the earliest possible moment. But, sir, this resolution is not to check the advance of our armies. I have said upon this *floor that I believe* the Constitution of the United States confers all the power which is necessary to enable the Government to crush this gigantic *rebellion. Why? Because the Constitution con*fers on Congress the power to raise armies to put it down, and when the power is given to raise *armies to put down insurrection*, the power comes *also to crush it in the way that armies are accus*tomed to act. *It is with powder and ball that it is* to be done; and neither your jury trials nor your *habeas corpus acts* can interfere with the Army *which, clothed with constitutional power to crush* a rebellion, goes forth armed for the purpose of putting it down in the very way that armies subdue *their enemies.*

But, sir, this is a resolution of inquiry, simply as to the arrest of persons in the loyal States. That is all it is. The Senator from Connecticut *tells us there* were persons in his State who were allowed to go at large when they were giving aid and comfort to the enemy. I am astonished at that. I should have supposed that in the goodly State of Connecticut men giving aid and comfort to the enemy would have been arrested and tried, and if convicted by a jury would have been hung.

Mr. DIXON. If the Senator will allow me, I *will repeat to him* what kind of aid and comfort those men gave to the enemy. I stated that they gave aid and comfort to the enemy by instituting a *series of meetings, falsely called* "peace meetings," in which they addressed large assemblages of the people, and attempted to debauch the public *mind on the question of this war*, claiming that we were the aggressors; that the South were acting in self-defense; that the Administration was making war upon the South. Now, sir, if the Senator can inform me how such men can be attacked by arms, by powder and ball, I shall *thank him for the information.* I do not know how they could be arrested for treason. I do not say they were guilty of open treason. They were guilty of moral treason; and the Secretary of State, *to the great joy of every* loyal citizen of Connecticut, imprisoned one or more of those men and put a stop to the whole proceeding. I thank him *for doing it. I will not ask him* a single question as to the provisions of the law or the Constitution upon which *he acted.*

Mr. TRUMBULL. I did not understand, Mr. President, that there was any insurrection in the State of Connecticut, and I suppose the Army *would have no right in the State of Connecticut* to shoot persons or to march there for the purpose of slaying its peaceable inhabitants. It is where *the judicial* authorities are overborne that the Army is called in to suppress an insurrection. The Senator assumes that these persons were traitors. Who is to decide that? He says he will ask no questions. Why, sir, how does he know that, in portions of this country where there is no *disturbance* and no insurrection, the right persons will be arrested? The unconstitutionality of such action as this seems to be admitted by the Senator who comes to the defense of this despotic power. Why, sir, the power—without charge, without examination, without opportunity to reply, at the *click of the telegraph*—to arrest a man in a peaceable portion of the country and imprison him indefinitely, is the very essence of despotism. I *thought* the Senator from Connecticut was engaged in a war to defend and uphold the Constitution. What, sir, becomes of constitutional liberty, what are we fighting for, if this broad ground is to be assumed and to be justified in this body, and any man is to be thanked for assuming an unconstitutional and unwarranted authority?

I was willing to vote, and did vote at the extra *session of Congress, to sanction the acts of the* Executive done through the military power for the purpose of suppressing the rebellion—acts done before Congress assembled, and for some of which, perhaps, the warrant of law could not be found. But, sir, a different state of things now exists. Congress is convened, and this inquiry *is directed to the arrests of persons in loyal por*tions of the country. What are we coming to if arrests may be made at the whim or the caprice of a cabinet minister? *Do you suppose* he is invested with infallibility so as always to decide *aright? Are you willing to trust the liberties of* the citizens of this country in the hands of any man, to be exercised in that way? May not his order send the Senator from Connecticut or myself to prison? Why not? Why may not the commander general of your Army to-morrow say, "take the President of the United States and confine him at Fortress Monroe;" and if he is asked why he did it, may he not answer, "just because I could—because I had the power?"

Now, sir, I am for regulating this thing by law. That is the object of my inquiry. If additional legislation is necessary for the purpose of pun*ishing persons who sympathize with treason in* Connecticut, or in any other loyal State of this Union, where the laws can be enforced through the judicial tribunals, I say let us give that additional legislation, and let us not sanction the exercise of such high powers as these outside of the law, and as the Senator says, "on the plea of necessity." Why, sir, I deny the necessity. The principle contended for would justify riots and mobs in punishing criminals wherever found. Suppose a man has committed an offense apparent to the whole country, shall the citizens of the country get together and execute the man without trial; or imprison him, and hold him in prison without trial? Is that the way the laws of the country are to be administered? Has the Constitution no meaning, and are laws to have no efficacy? We shall have anarchy at once if such doctrine is to prevail.

I do not know the facts in regard to arrests which have been made. My resolution does not assume that arrests have been made, but inquires whether they have been. If we are to go outside, as the Senator has done, I may say that I understand arrests have been made, and the parties afterwards arrested, in some instances, have been discharged without trial. Does the Senator justify that?

Mr. DIXON. I do.

Mr. TRUMBULL. The Senator then justifies putting innocent men in prison! Else why were they discharged? I take it that was the reason *for their discharge. I have heard of such cases.*

Mr. DIXON. They ought to be discharged, then.

*Mr. TRUMBULL. They ought to be dis*charged, and they ought to be arrested, too! An innocent man ought to be arrested, put into prison, and by and by discharged! Sir, that is not my idea of individual or constitutional liberty. I am engaged, and the people whom I represent are engaged, in the maintenance of the Constitution, and the rights of the citizen under it. We are fighting for the Government as our fathers made it. The Constitution is broad enough to put down this rebellion without any violations of it. I do not apprehend that the present Executive of the United States will assume despotic powers. He is the last man to do it. I know that his whole heart is engaged in endeavoring to crush this rebellion, and I know that he would be the last man to overturn the Constitution in doing it. But, sir, we may not always have the same person at the head of our affairs. We may have a man of a very different character, and what we are doing to-day will become a precedent upon which he will act. Suppose that, when the troubles existed in Kansas a few years ago, the then President of the United States had thought proper to arrest the Senator or myself, and send him or me to prison without examination, without opportunity to answer; because, in his opinion, we were dangerous to the peace of the country and the necessity justified it! What would the Senator have thought of such action?

Sir, I say there can be no such necessity in the loyal portions of the country; where the courts operate; because, if the laws are not sufficient in such localities to secure the arrest of parties who are engaged against the Government, we certainly have the power to amend the laws. Let the Senator from Connecticut come forward with a bill authorizing the arrest of those men in his State who are giving aid and comfort to the enemy, if the laws are not sufficient already, and certainly I shall vote most cheerfully with him for the passage of such a bill. Then we shall have the matter regulated by law, and there will be no assumption of unwarranted power.

The Senator says that some persons allow themselves to be troubled with constitutional scruples; and he does not; and that these arrests grow out of the necessity of the times. Sir, it is in just such times as these that the greatest danger arises. It is in just such times as these that the foundations of tyranny and despotism are laid; it is not when the people are wide awake to their rights. If you will clothe despotism with iron shoes, going forth to trample upon the rights of the people, and bearing chains and fetters to bind their limbs, no people on earth would ever submit to his sway. But, sir, the despot creeps upon the people unawares. It is under the plea of necessity; under the pretense that it is necessary he should assume unwarranted powers for the purpose of preserving the Government or the public peace; and then, when the powers are assumed, and the people are bound hand and foot, they have not the ability to extricate themselves from the tyranny that is imposed upon them.

Now, sir, no harm, I apprehend, can grow out of an inquiry of this character, because, if the reply of the Secretary of State should show that arrests have been made, and that there is no law for them, and that there is a necessity for exercising a power of this kind, will it not be better, I ask my friend from Connecticut, for us to pass a law, and have these things done under the law? Then, why not let the inquiry be made, so that we may know whether there is a necessity for any such law or not? Why undertake to justify and commend the exercise of admitted usurpation, which I understand the Senator from Connecticut to do? Sir, I will never commend it. Under particular circumstances, I may have excused some acts for doing which the warrant of law could not, perhaps, at the time be found; but, sir, I will never commend the usurpation of power by any person. I would avoid it on all occasions. I would stand by the Constitution as we have it. I would no more permit our own officers to violate it now, when Congress is together and can clothe them with the necessary authority, than if we were at peace.

I hope, sir, that the resolution, which is a simple resolution of inquiry, will be permitted to pass; and I am sorry it could not have passed without opposition.

Mr. DIXON. Mr. President, the Senator speaks of this as a resolution of inquiry, as if it were merely suggesting an inquiry to some committee. A resolution of that kind I should not perhaps have opposed, unless it might be presumed from it that we had some doubt with regard to the propriety of the action of the Executive. This is a resolution of inquiry, to be sure; but, sir, it is an inquiry addressed directly to the Executive, asking that branch of the Government what it has done with regard to the arrest of certain citizens of the United States in the loyal States of the Union.

Now, sir, to pass this resolution, it seems to me, implies, very directly, a doubt with regard to the propriety of the action of the Executive, and therefore upon that ground I said that I should not vote for it; because I would not even question the propriety of their action under the circumstances, which were well known to the country; and hence the Senator says (misrepresenting me, I think, unintentionally) that I have justified admitted usurpation, that I have sneered at the idea of constitutional scruples. Well, sir, if I have justified admitted usurpation, then the action of the Government upon this subject is admitted usurpation. It may be admitted by the Senator himself: by me, sir, it is denied. I say there has been no usurpation and no despotism. There has been an exercise of extraordinary powers rendered necessary by the condition in which we were placed. The Senator says (and I confess I was surprised at the tone of his remarks upon this question) that there was no necessity for the exercise of extraordinary powers by the executive government during the last six months. Is it necessary to remind Senators of what we have passed through?

Mr. TRUMBULL. I know the Senator does not mean intentionally to misrepresent me; but I said in the loyal States of the Union where courts were held.

Mr. DIXON. There is the very place where *the necessity existed. In the disloyal States of* the Union we were excluded; we had no jurisdiction; we had no possession. Talk about arresting people in the States