that was not want they wanted. I here was non-ing that they protested against with more earnestness, with more zeal, with more energy, and with more repetition, than the idea that they were la-boring for independence, or were atimulated by a lust of ambition or of power. No. sir; it was lo lust of ambition or of power. No, sir; it was for the high and the holy purpose of securing constitutional liberty-regulated by law. It was for that high purpose that they banded together, and it was that principle that brought this nation into being. And, sir, if the day ever arrives in the history of this country when constitutional liberty, regulated by law, cannot exist, let the nation die, let it perish, let its name and memory be liberty for it has failed of its high mission, is failtless to the principles which gave it birth, and is wanting in all the elements of its life and its power. What are you fighting for to-day; why are your slips are you fighting for to-day; why are your ships of war on the high seas; why have your hundreds and thousands and hundreds of thousands of then left their plows in the furrow, and their fields un-reaped? Why have mechanics left their benghes and gone out, exposing their living breasts as a bulwark of defense round about this temple of the erty, but that they may preserve constitutional liberty, regulated by law. That is it, sir. That is the beginning and the end of this nation, and

to throw the mantle over every act that has been prompted by a patriotic impulse to serve the na-tion and preserve its liberties. You may gain your victories on the sea, you may sweep the enemy from the broad occan and from all its arnis and all-its rivers, until you may hoist, as the Dutch admiral once hoisted at the head of his flag staff, a broom, indicative that you had swept the ocea a broom, indicative that you had swept the sceen of your focs, and you may crush every rebel that is arrayed against you and utterly break; their violated his obligation to support the Constitution; power; and when you have done all that, when you have established a military power such as the earth never saw, and a naval power such as the earth never saw, and a naval power such as England never aspired to be, and constitutional liberty shall be buried amid the ashes of that constitutions. If have but a very slight acquaintance with that liberty shall be buried amid the ashes of that constitutions. England never aspired to be, and constitutional liberty shall be buried amid the ashes of that configuration in which you have overcome and destroyed your foes; then, sir, you will have but a chieved your coverlasting shame. I desire with a jealous eye to watch everything that looks like an encroachment upon the liberty of the citizen. I know very well that, those who are disposed to do so may question the wisdom or the patriotism of the remarks which I am miking. I care not for that, sir. I believe the time demands it; and if things go on as they have gone I shall be compelled to say something further still; but I want that energy and that vigilance and that power to which I get it is our imperative duty to do. But I want that energy and that vigilance and that power which are to be put forth to be stretched across the Potomac south instead of north.

The honorable Senator from Massachusetts at the lead of the Military Committee says that he believes these arrests have done more to secure the liberties of the country than all that the Army has done. I shall not question that, I Laughter!

It may be that the parties may be discharged. I do not know what action will be taken under it, but certainly the Senate have the seat of government of his own start that the parties may be discharged. I do not know what action will be taken under it, but certainly the Senate have the start he parties as set in grounds he has been deprived of his liberty and denied a hearing, and why he is thus incarcerated, to the injury of his simily, and the detriment and loss of his private interests.

That is one case. I do not know how far that we senator of Maryland may be guilty of treason. I that chery for millinois for the resolution is for the case of a civil war existing in any into straight the parties of the country, to suspend the habras corpus. Mr. BAYARD. Allow me to suggest that that does not arise on this resolution. It may arise on the country than all that the factors are proposed, hot regarding the proper, has been depri

has done. I shall not question that, [Laughter It may be so. But if I can stand here two month from to-day—God knows whether we shall be in the land of the living or not—but if two months from to-day that remark of the Senator from Massachusetts be as-true as it is now, I tell you, sir you will find an enemy against you compare with which the Army on the other side of the Potomae is nothing. Sir, I do not believe that everybody who is connected with the administration of this Government understands the character of the issue in which we are engaged; but I venof the issue in which we are engaged; but!! venture to predict, though I am not a propher, that if the American people, who are pouring out blood and treasure with a heartiness and a willingness that no other people on the face of God's earth ever did, shall find in the future that they have been trified with, that imbecility and indecision have stood in the place of courage and imanly energy and perseverance, and a serious, vigorous, energy in preserving of this way the will be energetic prosecution of this war, there will be such a storm come upon your heads as history has never yet recorded; and it does not want a very great degree of faith to hear the distant rungs of that thunder-storm that will overwhelf the Administration and the party in power if they do not see the things that belong to the day and the hour before they are hidden from their eyes, it Now, sir, I care as little as any man about any remains that are made on the poor speeches that I make. I owe it, in justice to those who sent the bure, and to whose shiding confidence I have its The second of the privileged question, and I am desirous of brings to day, to say that there is no man on this floor when represents a more loyal, a more brave, and a more brave, and a more determined people than is the constituency by the Atlantic on the one side, and British American the one endernment of the privileged question, and I have not be the Atlantic on the one side, and British American the other; and no enemy has every expressed is footsteps on her soil; and her men will go forth, and what treasure she has will be poured out; vithout measure and without stiet teams to the state that it is not an account of the Secretary of State the Secretary o the Potomac who came here to support the cause which I have the short, in company with and the Potomac who came here to support the cause which I have the short in country. Sir. Niew Hampshire is a small State but she is bound and the arrest were for which I have the short in the state of t ernment. They believe that the regur nas come, the trial hour of the destiny of this nation is upon us, and woe be unto us, and woe be to them who stand as our leaders, if we do not appreciate the day and the hour of the crisis of our destiny.

The Senator has said that we were defeated as The Senator has said that we were defeated at Bull Run. So we were; and Bull Run has been to this Government what the Hartford convention

me for what I have mal, in our what I have the first the remarks of the principe grane dut stress was part of the law power and the first on productional the support of the law power and the first on production that the law power and the first on production that the law power and the first on production that the law power and the first on production that the law power and the first on production that the law power and the first on production that the law power and the first on production that the law power and the first on production that the law power and the law power and the first on production that the law power and the law power

Maryland has given a clear majority of over thirty thousand for the Constitution and for the country. The people of Maryland are devoted to the Con-The people of Maryland are devoted to the Constitution; devoted to the forms of liberty; and have as high an appreciation of the glories of this Government as the people of any State in the Union; and yet many of those people have dissented, and now dissent, from the prevailing policy of the Administration. As for myself, I assert that no Senstor here or elsewhere has ever uttered requirements are the lead. I claim that I have never uttered a word, and never committed an act, in violation of the sacred obligations of the oath which I took at your desk, sir, to maintain and uphold the Constitution. I yield to no man in loyalty; but as an American Senator, when the Administration of this Government is going, in my judgment, in a wrong direction, and crossing the manufacture of the sacre and to obtain a response. The Section of the sacre and to obtain a response. The Section of the sacre and to obtain a response. The Section of the sacre and to obtain a response. The Section of the sacre and to obtain a response. afrection, and crossing the path of the Constitu-tion, I claim the right to endeavor to set it right; and at such a time I should be recreant the every sense of honor and justice and principle if I did not raise my voice, humble and weak as it may be, in defense of the Constitution, and in defense of the people of the State that I have the honor in part I represent on this floor.

peen men arrested in Maryland without sufficient cause; repeated instances have occurred. It is but very recently that a State senator, now inside of the walls of Fort Warren, sent his protest to the government of his State, protesting his innecessary of the walls of State where the courts are open, is an exercise of power which is forbidden by the Canada and imprison a citizen of the United States in a State where the courts are open, is an exercise of power which is forbidden by the Canada and imprison a citizen of the United States in a State where the courts are open, is an exercise of power which is forbidden by the Canada and imprison a citizen of the United States in a State where the courts are open, is an exercise of power which is forbidden by the Canada and imprison a citizen of the United States in a State where the courts are open, is an exercise of power which is forbidden by the Canada and imprison a citizen of the United States in a State where the courts are open, is an exercise of power which is forbidden by the Canada and imprison a citizen of the United States in a State where the courts are open, is an exercise of power which is forbidden by the Canada and the Canada of the walls of Fort Warren, sent his protest to the government of his State, protesting his innocence; calling for an investigation; asking them to scan his whole life, public and private; to look into his every act, into every vote since it is state where the courts are open, is an exercise of power which is forbidden by the Constitution of the United States. I have no doubt to scan his whole life, public and private; to look into his every act, into every vote since it is a State where the courts are open, is an exercise of power which is forbidden by the Constitution of the United States. I have no doubt from the Secretary, whom he has arrested the courts are open, is an exercise of power which is forbidden by the Constitution of the United States.

istration. I think it eminently just and proper, however, that this inquiry should be made, and especially with regard to my own State which has just east a majority of thirty thousand out of her eighty thousand votes for this Union; where the whole functions of government are in the hands of the constituted authorities of the State, ready and willing and able to maintain the dignity her own laws. I think that, under such circur stances, an inquiry of this kind should be had, so that an opportunity may be afforded to release persons who are innocent of all crime, and who have not been engaged in any attempt to over

throw the Government.

I trust that the resolution will prevail. If I had nore influence upon this floor, or with the Admin-istration, I should myself, upon bended knees, have besought an inquiry of this kind. Like the Senator from New Hampshire, I came into the Senate almost without a party, and I suppose I shall take my leave without any; but I shall stand here as an American Senator, under the flag of my country, supporting and maintaining the Constitution of the United States, believing that it has ample power to vindicate its authority, and to maintain its supremacy. I mean to be true to the principles of this Government, believing it to be the greatest and the best upon the face of the earth. I shall vote for the resolution with the greatest pleasure, and I trust it will receive the sanctio

Mr. FOSTER. Mr. President, I gave notic

was to New England politicians. It has east its ferred. It would be a most extraordinary pro-shadow over the land ever since; but I tell you we can stand another Bull Run defeat better than we this kind. If there is a disposition in the Senate the Congress of the United States shall in their

what I owed to my people and my country to say what I have said, and I feel when I have said down as if my prayer to God should be not to forgive me for what I have said, but for what I have fellen upon a few when I have said but for what I have said.

Mr. KENNEDY. Mr. President, I do not to forgive tunsaid.

Mr. KENNEDY. Mr. President, I do not to the trematics the arrest of much in the could be inferred, as a know that I could add one word to the rematics.

closes its cars to all complaints on that subject, States has not been outnumbered by the enemy, the day is not far distant when the vital spirit of Inalmostevery battle fought since this war opened, a republican government will be entirely gone the forces of the Union have been inferior to the

from us.
Sir, I thank the Senator from Illinois, and the Senator from New Hampshire, for the just and noble sentiments they have expressed to-day, and I shall lament in despondency and grief if the Senate shall shrink from an inquiry so obviously (to me at least) proper as this.

I do not mean to detain the Senate by any extended spreaches.

it is the right and the duty of the Senate to make the inquiry, and to obtain a response. The Secretary may satisfy this body; he may satisfy us all, or a majority; but certainly in the absence of any acknowledged constitutional provision sanctioning this power, either expressly or by implication, it does seem to me it is our right and our duty to make the inquiry.
Mr. BAYARD. Mr. President, whatever may

be the determination of the Senate as to the dis-position of this resolution, I trust it will not be rethe beginning and the end of this nation, and at is its high mission; and if it does not vindite that, it had better never have been bornland ritish arms had better have crushed the feeld orces when they first arrayed themselves against ts power, than to have achieved their indeplendence; and we to have lived nearly a centry, regulated by law, to any power of any officer on earth.

Well, sir, what is the purpose of this inquiry:

Well, sir, what is the purpose of this inquiry:

Well, sir, what is the purpose of this inquiry:

Have not arrests been made in violation of the great principles of our Constitution? If they have the real that the real that the view I have not arrests been made in violation of the great principles of our Constitution? If they have not arrests been made in violation of the great principles of our Constitution? If they have not arrests been made in violation of the great principles of our Constitution? If they have not arrests been made in violation of the great principles of our Constitution? If they have not arrests been made in violation of the great principles of our Constitution? If they have not arrests the such arrests have taken of the loyalty of my State has been the true one. It has been warranted by the result of the elections; it has been warranted by the position or may make the call. As to my own opinions about it, I have no doubt that we ought to make the call. I am not for condemning the Secretary the charged with treasonable purposes. I manntain, as I have not been at any one that there are not, and have not been at any one that the senate to make the call? I approximate the Senate to make the call? I approximate the senate to make the call is made and answered, the answer may require a reference to a committee; but I can see no ground whateverfor any reference of the resolution against the senate to make the call. After the call shall be a series in the senate to make the call is made and answered. The have no reference to a committee. What can they do with it?

The pro to scan his whole life, public and private; to look into his every act, into every vote given in his public career; to say when and where he had ever persons are detained. Surely, that inquiry may violated his obligation to support the Constitution; well be made. It does not involve the disposition with that what ought to be the proper disposition when the know very call is answered. It may be that the parties may here stands be discharged. Ido not know what action will be

should be referred to the Committee on the Ju-diciary, of which the honorable gentleman from Delaware is a member, and of which the honor-able gentleman that moved this resolution is chair-man, that they, as a committee, should inquire into this subject; and inquire also into the very grave question whether now is the time to make the inquiry, in the present state of the country. inquiry, in the present state of the country.
Mr. President, I do not rise to go into the debate, for my impression is, that a motion to refer is not debatable; therefore, I desire that the question may be taken, and let it go to the committee Mr. WILSON. The Senator from New Hamp shire [Mr. Hane] informed the Senate that he came into this body without a party, and that he might go out of the body without a party. Well, sir, I came into the Senate with a very small party, and I am here to-day with a majority. But, sir, I wish to say here, and now, that while this rehaltion is wear the security. I know no this rebellion is upon the country, I know no fidelity to party that interferes with my serving Indestry to party that interferes with my serving the country, and the whole country; and while this war lasts, I care but little about party; and I do not support those in power merely because I helped to put them in power. If there were to-day a Democratic administration battling to save the unity of the Republic, it should have my voice, my counsel, and my vote, as freely as the present Administration has Administration has.

Administration has.

The Senator speaks of the bravery of the sons of New Hampshire. He tells us they are ready to bare their bosoms for the purpose of upholding the power and authority of the Government. We all, I hope, concur in that, but I apprehend that the arraignment of the Administration for laying their haddens as the state of the second seco

can stand another Bull Run defeat better than we can stand any halting by the American Scinate to inquire fearlessly, manfully, and as we ought, idio wake any inquiry into these matters, let us know it; and let us know it by a direct vote the doings of the Army, the President and all his Secretaries; and when we have got it before us, let us trust to our discretion and our patriotism that we will do what belongs to Senators and to patriots.

I need not say, sir, that in submitting the few on the personal unkindness or disrespect to any human being. I have felt impelled by a solemn sense, of State has been received. I believe what I owed to my people and my country to say what I owed to my people and my country to say what I have said and I feel when I have felte unon the can stand any inquiry into these matters, let us know it; and let us know it; and the us know it; by a direct, vote constitutional mode to accomplish the same return to know whether or not we are fighting for the Constitution, and before us, let us trust to our discretion and our for constitutional liberty regulated by law. I hope the constitutional mode to accomplish the same return, and it may be a more constitutional mode to accomplish the same results, I say to the President or not we are fighting for the Constitution, and the very of the Suntan shall plot treason, any press shall utter treason, or any man propose to give nid and comfort to the unother, and it may be a more constitutional mode to accomplish the same return, and it may be a more constitutional mode to accomplish the same return, and it may be a more constitutional mode to accomplish the same return, and it may be a more constitutional mode to accomplish the same return, and it may be a more constitutional mode to accomplish the same return, and it may be a more constitutional mode to accomplish the same return, and the co

forces of the rebellion.

Mr. WADE. That is bad generalship. We have two men to their one.
Mr. WILSON. The Senator says that is bad

Ar. WILSON. The Senator says that is badgeneralship. Sir, let me say to you it is very casy
to magnify our own powers, to point to the great
deeds the Government and the people have done,
and to underrate the power of the men in rebellion. Why, sir, does not the fact stand before
the country that those men controlled the Government of the United States for years; that they sent your ships away, that they stole your cannon and your arms, that they put your military supplies where the enemy would take possession of them, that they used the whole power of this Government to destroy it, so that when the Administration came into power on the 4th of March last we had neither ships nor munitions nor supplies nor guns; and is it not a fact that we have to-day half a million of men in arms, that we have organized a vast millitary power, that we have hundreds of ships that have been purchased and armed, and are now blockading the southers coast and closing almost every port in the States

and foe, and confiscated it to their uses. They do not profess to pay their debts. They are laying the hand of conscription upon men whenever and wherever they are wanted. This vast power they have brought to their defense; and with it all they have not been able to put a hostile foot upon the free States of this Union; not a tramp of theirs has descerated the soil of the free States; but they have been powerful for defense. They do not over sentiments with reference to these materials.

laying and carrying out plans that were to result in great good to the country. The Government ought to keep their secrets, and the less the people know about what they are doing, the more they censure them. Sir, the people know quite too much of what has been doing during this war; the public press has spread before them quite too much, for the more the military acts of the Government are swead before the people the more rements are swead before the people the more ernment are spread before the people, the more the rebel chiefteins know of our acts, and the readier

therebel chieftains know of our acts, and the readier they are to defeat us.

I should have no objection to the passage of this resolution if it could do any good; but if Senators are opposed to these arrests altogether, say so; if they are in faver of these arrests, but believe that this is not the proper mode, then let them come into the Senate with a bill, and I think we shall all tots for the proper mode, then the think and and and a senate with a bill, and I think we shall all vote for a proper measure of that kind, and so arrange it that disloyal persons may be arrested according to the forms of law. That I think is according to the forms of faw. I not I think is the proper way; it carries no censure, it implies no reflection on any one; but I think theadoption of this resolution, especially after the remarks that have been made here to-day, will be regarded as a reflection upon the President and upon the Sec-retary of State; and if it is so understood, trai-tors whose mouths have been closed during the last four or for mouths will again one their trasponfour or five months will again open their treason able lips, and Jefferson Davis and the men who are supporting his rebellion will express their joy if they do not vote their thanks to the American Senate for thus reflecting upon their own Gov

Mr. TRUMBULL. Just one word in reference to the closing remarks of the Senator from Massachusetts. I have already stated that this is not a resolution to censure the Administration

sent it now. It is a resolution very proper in its from the very feeling and the very opinion which terms—simply an inquiry of a high officer of this I have expressed here—they believed in the necessary of prompt, immediate action.

Now, sir, we are not sitting here as a judicial omeer of the tovernment, but simply in order to inquire with reference to certain acts, sufficiently notorious, so that, if any further legislation is necessary upon the subject, that legislation may be had at the present session. The object is legitimate and proper, and the inquiry is calculated to facilitate the object. What, then, are, the objections that are made?

My honorable friend from Massachusetts has gone off into a discussion of the neferomence.

any nonorane trient from Massachuserts has gone off into a discussion of the performances of the Army, and has lectured us a little, (very kindly, I dare say,) and the country in general, upon the impropriety of our inquiring into any military performances. I do not admit the proposition in its full extent. I think it is advisable always for us to hold our tongues as much as possible; but it is quite as advisable to open our sible; but it is quite as advisable to open ou mouths and speak when we feel that the interest coast and closing almost every port in the States in rebellion?

But, sir, with all these manifestations of power, does not one fact stand out before us, and that is the power of this rebellion? I do not know where to find, in the history of any country or of any age, a people who have manifested more vigor and more power according to their numbers than have the men engaged in this rebellion. They have not stood upon constitutional law and constitutional authority. They have taken power; they have taken life at their pleasure. They have plundered loyal men, and driven them from their homes. They have seized the property of friend and foe, and confiscated it to their uses. They do not profess to pay their debts. They are faying the hone of the ment of the manifested more and the state of the military affairs, because the more power; they have taken life at their pleasure. They have eminent military gentlemen who are perfectly ready to take care of these things, and advise us in regard to them; and therefore I rest casy—for the present, at any rate.

I think, however, sir, that all that is foreign to

have been powerful for defense. They do not our own sentiments with reference to these mat advance upon us; we must advance upon them.

As we advance, they grow stronger and we grow weaker. Now, sir, I am for the most vigorous prosecution of this war. I am for wiedling every power that we possess under the Constitution; and if we have not law under the Constitution to the law and the property of the proper and if we have not law under the Constitution to meet the case, if the exigencies of the country demand it I would exercise the power and hunt for it after the country was saved. I say, sir, I think we have made a great many mistakes. I hope we shall have fewer in future. But, sir, the wild and unregulated impatience which is manifested in the country does not contribute to the cause of our Union. I think we should have some faith, some trust, some confidence in the Administration of the Government, and in the men who are intrusted to lead the armies of the country.

I do not believe it wise in the Senate, in the public press, or in the country may here to manifest I mpatience, to visit upon men censures. I know that it has often happened that it has been exhibited when the Government was doing the most, when it was working most hours, when it was laying and carrying out plans that were to result in great good to the country. The Government ought to keep their secrets, and the less the peoof the country demanded this action in this the poor of her peril, although they may have acted against law, I honor the man who, under such circumstaw, I honor the man who, under such circumstaw, I honor the man who, under such circumstaw, I honor the man who, under such circumstawn. law, I honor the man who, under such circumstances, takes the responsibility; and I say here that if I were in power as an executive officer, and if I saw that the good of the country that I was serving demanded that I should stretch my authority, even at the risk of my official or of my own natural life, in order to protect the country, as God is my judge, I would do it, and take the consequences; and it is the duty of every man placed in such a trust to do it. A man who stops, who hesitates, in such a case to inquire, when he sees that the building is about to be wrapt in flames, whether there is a law to guide his action, and pauses for fear that the newspapers may be down upon him, or that he may be called to account, that he may be impeached even, is unfit for a great place.

that he may be impeached even, is unit for a great place.

That is my opinion; but, sir, while I express that opinion, I say that when he steps beyond it, when the people see, or the representatives of the people see that he is daring for a moment to use that power and that protense of necessity for a nefarious purpose, for any purpose that is not fully justified by the facts before him—when the country sees, or believes, or dreams, or suspects fully justified by the facts before him—when the country sees, or believes, or dreams, or suspects that he is acting from anything but the highes motives that should actuate a public officer, ther I would be ready on the instant to check the first advance, and to lay my hand upon the man.

Sir, we cannot trifle with these questions in times like those that have preceded the present any or there have been hours.

moment. There have been hours, there have been days, weeks, and months in the progress o this rebellion, when it was the duty of the exec-

upon the tenure of his will, without the courts, Congress, the people, or anybody knowing the I may violate both, for I am acting for the precasons for this usurpation.

I say to Senators on the other side, that the issue that has been made about any attempt to members on this are ready and anxious to vote throw imputation on the Secretary of State, or on for any law that will punish freason in any manner, shape, or form; but let treason be punished by law, and according to law. If the public exhibit and according to law. If the public exhibit on now that the debate has sprung up, as it has, igencies are such that these men must be arrested,

for us to act upon what has been done, then will be time enough for the debate. Sir, I do not know by whose authority these things were done. The presumption is, that com-ing from a high officer, one of the highest officers of state, it was done under the direction of the President. It may have been so; it may not have been so. I see no objection to our inquiring. Somebody must take the responsibility; the ques-tion is about the act. I know there is a disposition among men to stretch their authority always.
When it gets to a point which threatens the body
politic, then it will be time enough for us to be
nervous about it. I believe in my conscience that
we need not, at this time, trouble ourselves with any fear that there is a disposition on the part of the Government to use its power unwisely or unnecessarily. When every officer, large and small, begins to thunder, and the heavens are full of it from all quarters, or from any considerable number of points, it think it will be time enough for us to begin to look and see if there is any danger

us to begin to jook and see if there is any danger ahead. I spoke the other day of the necessity of keeping our power of supervision over all. I am not disposed to take back anything that I said then; and I am ready, if need be, to apply the same rule which I would then apply to military effairs, to civil affairs, and inquire into the conduct of all branches of the public service.

Mr. DOOLITTLE. Mr. President, I did not desire to the total training the public service.

necessarily confined to those States where hostile forces meet, but we are at war through the whole country; every State is at war. We in Wisconsin are in this civil war; and if the enemies of the United States engaged in this war are in Wisconsin, it may be necessary that the power of the President, under this authority given to him, if it rests in him to suspend the habcas corpus, should reach even to Wisconsin and make arrests and suspend inquiry by judicial proceedings. When this question was first raised, I admit that my whole prejidices were against the power being vested in the Executive; but when I read the able argument made by the Attorney General. I con-ment of the Government, by telegraph to other argument made by the Attorney General, I con-fess that I began to doubt whether the power fess that I began to doubt whether the power rested in Congress, whether it was not in the Executive, and whather, in the Constitution which was framed by our fathers, the whole responsibility was not put upon the Executive elected by the people, responsible to the people, who surrenders up his office at the end of four years, and who is liable to impeachment for any malfeasance in his office, in the suspension of the habeas corpus or anything else; whether, by the very theory of our Government, this more important than any tation in the world; and, with researd to any man or anything else; whether, by the very theory of dour Government, this more important than any atter power in a case of civil war of suspending the habeas corpus is not placed in the Executive, and an in the Executive alone. Suppose a civil war arrises, and Congress is driven out of the capital, what then is to be done? Where is the power to sustant then is to be done? Where is the power to sustant then is to be done? Where is the power to sustant then is to be done? Suppose the very judge that issues the habeas corpus? Suppose the very judge that issues the habeas corpus is surrounded by force and taken captive and prisoner. Suppose that is placed under military restraint. It is a part of the execution of the law, as is ably argued in this opinion to which I have referred; it is a part of the executive business with which the President is clothed, to judge when the courts may asfely, in case of civil war, sit, issue their prosafely, in case of civil war, sit, issue their prosafely, in case of civil war, sit, issue their process, and try offenders. Now, sir, I do not stand
here to say that I have definitely formed my opinin upon that question even at the present moment.
I will say that I have not. I want the question

I will say that I have not. I want the question I will say that I have not. I want the question inquired into. I want the Committee on the Juliance in the Jul to order an arrest is no violation of the Consti-

tor's motion being entertained, if it does not occasion debate.

Mr. DOOLITTLE. I have no disposition to
debate it.

The VICE PRESIDENT. The Senator from
Wisconsin moves that the resolution being entertained it.

Wisconsin moves that the resolution being entertained, if it does not occasome of which the submitted by any law upon the statute-book, I
wisconsin moves that the resolution before the
Sonate be referred to the Committee on the Judiciarly.

The DOOLITTLE. I have no disposition to disposed to quarrel with them; but I am
mount disposed to to quarrel with them; but I am
mount disposed to to conceal the act; I am not disposed to to conceal the act; I am not disposed to say
took this mode to arrest the publication of treason, or conspitute, and be alone some things that I concede were
this floor, representing a sovereign. State, in the
object it, with instructions, to the country, and in the exercise of their
mount disposed to quarrel with them; but I am
move to represent the statute-book, I
am not disposed to quarrel with them; but I am
move the resolution of uncorrent to the torius what further legislation is necessary
to the torius what further legi ment of traitors. Now, when within sound of this Capitol you can hear the guns of the enemy who have an immense army gathered near us, which, if we have another conflict, and our army is defeated, is sure to take possession of this city, and instead of having the war on the Potomac it will be transferred to the Susquehanna—at this time and this hour, when the enemy are in our presence, and the Evecutive has desired. refusal to pass this resolution acquiescing in and is called upon to give this information, and the indorsing usurpation of power, in order to pre-inquiry was addressed to me, I would say frankly, serve the laws. We present to the civilized world a very sad and humiliating spectacle, in upbraiding revolting States for violating the laws and the Constitution, when we conselves are committing equal if not greater outrages upon that Constitution and against those laws. What is it? One man, unauthorized by the Constitution or the law, unauthorized by the Constitution or the law, unauthorized by the Constitution or the law, in the proves what has been done; and I do nothing to a trike, I am not willing to say one word which upon the tenure of his will, without the courts, injure either the Constitution or the law, though to strike, I am not willing to say one word which shall paralyze the force of the blow with which he shall strike at the enemies of the country. want the committee to consider two things; firs the constitutional question whether the power to suspend the habeas corpus is not, in time of civil war, in the Executive; and secondly, I want them to consider whether now is the day and now i the hour to make this inquiry in reference to wha has been done heretofore towards the suppression of this rebellion. Mr. BROWNING. -Mr. President, this dis-

Senate, the House of Representatives, the Army the judiciary—harmony and united action among Government what law exists for certain acts that have been performed by the Government. The honorable Senator, in the explanation that he has made, has stated to the Senate, on his own high responsibility—and certainly there is none higher of throwing the slightest imputation upon any officer of the Government, but simply in order to inquire with reference to certain acts, sufficiently officer of the Government, but simply in order to inquire with reference to certain acts, sufficiently entorings, so that, if any further legislation is necessary upon the subject, that legislation may be had at the present session. The object is legitiment and proper, and the inquiry is calculated to the resolution, The time has not yet when I have seeing none of the objections when I have seeing none of the objections when I have been urged, I feel inclined to vote for the resolution, The suggestions as to what the resolution is calculated to the resolution. The suggestions as to what the repelar and that executive; that the rebelar and that impression will do us which have been urged, I feel inclined to vote for the resolution. The suggestions as to what the resolution are the object. he judiciary—harmony and united action among all the departments of the Government is of the the resolution. The suggestions as to what the country feels go with me for nothing, because I have no fear that they will misjudge my action or the country—the loyal citizens of the country—than any the action of the Senate. When the time arrives hundred resolutions that we could pass here would repair. For that reason, I am not willing to vote for the resolution.

for the resolution.

Again, sir, I am unwilling to vote for the resolution, because it is advocated by a number of Senators who make no charges against the Administration, and who are not hostile to the Administration on this distinct ground. One Senator advocates the passage of the resolution on the distinct ground of danger from the tyranny of arbitrary arrests, and another says in the most emphatic terms that a refusal to adopt the resolution is an indorsement of usurpations by the Government. I am not willing, when a resolution is thus advocated, that it shall-ever go to the country with the sanction of my vote. This debate goes to the country try; the resolution goes to the country advocated upon these reasons, and it goes with the indorsement of the Senate. What other conclusion can the country come to, or will the country arrive at the country come to, or will the country arrive at than that the Senate by its deliberate vote has fixed upon this Administration, upon the President, and upon the Cabinet, the charge that the Senator from Kentucky, not now here, spent the whole of his time and the whole of his talents during the last time and the whole of his ments uning the charge session to fix upon the Administration—the charge of tyranny, usurnation, lawlessness of action, and disregard of all constitutional guarantees for the rights of citizens?

Mr. President, who has been arrested and im-

mr. DOOLITTLE. Mr. President, I did not desire to take any part in the debate, but I will state two grounds upon which I desire this resonution referred to the Committee on the Judiciary. I undertake to say that the question which underlies this whole matter is, whether the power of is in Congress. If it is in the President, and the responsibility is upon him, he is to judge of the undersity which authorizes its suspension; and if the clause of the Constitution which declares that "the privilege of the writ of habeas corpus shall not be suspended unless when in cases of rebellion or invasion the public safety may require it," vests the responsibility in the President, he, and lie alone, is to judge of the necessarily confined to those States where hostile forces meet, but we are a war through the whole country every State is at war. We ware weare and the trough the whole country every State is at war. We ware weare waging in this country is not the constitution of the constitution of the constitution of the constitution is to be censured? I entertain no so for ebellion or invasion the public safety may trequire it," vests the responsibility in the President, who has been arrested and imprisoned Willgenthementellus? Willthey tell us who the suffering citizen is? I understand that Mr. Faulkner, one of our forcign ministers under any previous Administration, when he returned to the United States, was arrested in a loyal district, just as other arrests have ween made; upon the authority of the Executive without having passed through the ordinary forms or in a loyal district, just as other arrests have ween made; upon the authority of the Executive without having passed through the ordinary forms or in a loyal district, just as other arrests have been made; upon the authority of the Executive without having passed through the ordinary forms or in a loyal district, just as other arrests have when the suffering citizen is? I understand that Mr. Faulkner, one of our forcign ministers under when the suffering citizen is ment of the Government, by telegraph, to order his instant arrest and incarceration without awaiting the delay that conformity to the requirements

Mr. BROWNING. You concede the consti-

we have ceased to make war upon them, and have turned our batteries upon a coordinate depart-ment of the Government. When we do that, we become the aiders and abetters of treason, and we give aid and comfort to rehallion everywhere by the adoption of any such resolution or any such measure at this time. The Senator from Maryland gives us the gratify-

The Senator from Maryland gives us the gratifying-intelligence that Maryland is now represented in the other branch of Congress by men sent here by a majority of thirty thousand loyal votes from that State. I rejoice with him, sir, at a result of an election in that State so much to be desired, so gratifying to the country, and so valuable to our cause; but, Mr. President, I think it by no means without doubt, I think it a problem not easy of solution, whether any such result would ever have been obtained in Maryland if there had been no exercise upon the traitors that infested that State of