

man from New York [Mr. FENTON] was referred to the Committee on Naval Affairs. It properly should go to the Committee on Commerce.

The vote was reconsidered; and the bill was referred to the Committee on Commerce.

GOVERNMENT CONTRACTS.

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

Resolved, That the select committee appointed to investigate certain Government contracts be instructed to inquire also into the circumstances of hiring, by the Government, of the steamer Catiline, and report the same to the House.

ORDER OF BUSINESS.

Mr. WARD. I ask the unanimous consent of the House to introduce a bill.

Mr. COLFAX. I object; and I object for the purpose only of making a suggestion. It will be Monday week before we can, as a matter of right under the rules, offer any bills for reference, except by unanimous consent. Now, if we desire to get away speedily, as I believe we all do, I would suggest, as we have an hour before dinner time, that we spend that time in the introduction of bills for reference.

Mr. WARD. That is all I desire to do.

Mr. COLFAX. And with the understanding that bills shall not be brought back by a motion to reconsider.

Mr. BURNETT. But each member should be allowed to judge for himself whether a bill should come up. I desire to make no factious opposition to the introduction of bills, but I do not desire the rules to be so changed that I shall not have a right to object to a bill when, in conscience, I do not think it should be introduced and referred.

Mr. COLFAX. My only object is to expedite business. If gentlemen have bills which they think must be referred, if they can get no other opportunity, they will wait until Monday week and they introduce and refer them. My proposition will expedite the matter. The gentleman from Kentucky will have the right to vote against the bills if they are reported back from the committees.

Mr. BURNETT. Does the gentleman propose to exclude motions to reconsider?

Mr. COLFAX. Certainly. The bills are only to be referred, so that the committees can go to work.

Mr. WARD. I object to the proposition, as the gentleman objects to my introducing a bill.

Mr. KELLOGG, of Illinois. I move that the House do now adjourn.

The motion was agreed to.

The House accordingly (at three o'clock, p. m.) adjourned.

IN SENATE.

THURSDAY, July 11, 1861.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.
The Journal of yesterday was read and approved.

NOTICE OF A BILL.

Mr. SAULSBURY. I wish to give notice that on to-morrow, or some subsequent day, I shall ask leave to introduce a joint resolution proposing amendments to the Constitution of the United States, with a view to the peaceable adjustment of our national troubles.

PROPOSED NATIONAL ARMY.

Mr. GRIMES. I present the joint resolutions of the Legislature of the State of Iowa, instructing their Senators, and requesting their Representatives, to vote for the establishment of an arsenal and armory on Rock Island, in the State of Illinois. I give notice that to-morrow I shall introduce a bill in accordance with the instructions that are contained in these resolutions, and shall ask for its passage as a war measure of the greatest significance. I move that the resolutions be read, printed, and referred to the Committee on Military Affairs and the Militia.

The motion was agreed to.

Mr. BROWNING presented the petition of a committee of citizens of the city of Rock Island, Illinois, praying for the establishment of an armory on Rock Island, in that State; which was referred to the Committee on Military Affairs and Militia; and a motion by Mr. BROWNING to print

the petition, was referred to the Committee on Printing.

Mr. TEN EYCK presented joint resolutions of the Legislature of the State of New Jersey, recommending the establishment of an armory in that State; which were referred to the Committee on Military Affairs and the Militia.

COLLECTION OF DUTIES.

Mr. CHANDLER. The Committee on Commerce, to whom was referred the bill (H. R. No. 16) further to provide for the collection of duties on imports, and for other purposes, have directed me to report the same back, with a recommendation that it do pass; and as it is a very important measure—and I presume there will be no opposition to it—I ask that it be put on its passage at once.

The VICE PRESIDENT. The bill will be read for information.

The Acting Secretary read the bill.

The PRESIDING OFFICER, (Mr. FOSTER in the chair.) The bill which has just been read has been reported from the Committee on Commerce, and the chairman of the committee asks for its present consideration. It requires unanimous consent to consider the bill on the day it is reported.

Mr. HALE. I do not wish to suggest any opposition to the bill; but it is a very important bill, and as I heard it read I think there are some features that ought to be examined. While I have every confidence in the committee, I think it due to the serious nature of the subject that the bill should lie over one day.

The PRESIDING OFFICER. Objection being made to its present consideration, the bill will lie over.

BILLS INTRODUCED.

Mr. HALE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 9) to alter and regulate the Navy ration; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 10) authorizing an additional naval force in the time of war or insurrection; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 11) authorizing and regulating the employment of volunteers in the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 12) to provide for the temporary increase of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 13) to increase the number of paymasters in the Navy, and to provide for the appointment of assistant paymasters; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 14) for the better organization of the Marine Corps; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 3) in relation to the Naval Academy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 15) authorizing the printing of watch and station bills.

Mr. HALE. As I want all these bills to go to the Committee on Naval Affairs, and we propose to meet to-morrow, I ask the indulgence of the Senate that these bills be ordered to be printed, so that the committee may have them to-morrow. In making this motion, I will state that two or three of these bills relate to the same subject, and possibly one may be a substitute for another. I do not pledge myself, in introducing them, to sustain them. They are various propositions coming from various sources, and I wish to have them all printed, that they may be before the Naval Committee. I move that all these bills be printed.

The motion was agreed to.

Mr. TRUMBULL asked, and by unanimous

consent obtained, leave to introduce a bill (S. No. 16) concerning the Attorney General and the attorneys and marshals of the several districts; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. FOOT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 17) concerning the pay of the officers of the revenue cutter service; which was read twice by its title, and referred to the Committee on Naval Affairs.

PAY OF VOLUNTEERS.

Mr. FESSENDEN. The Committee on Finance, to whom was referred the bill (H. R. No. 15) to provide for the payment of the militia and volunteers called into the service of the United States, by proclamation of the President, dated April, 1861, from the time they were called into service to the 30th day of June, 1861, have instructed me to report the bill back with several verbal amendments mostly, and to ask that it be passed at once, if there is no objection on the part of the Senate. It provides for the payment of the volunteers called out, and the money is very much needed immediately.

No objection being made, the bill was considered as in Committee of the Whole. It proposes to appropriate the sum of \$6,000,000, or so much thereof as may be necessary, to enable the Government to pay the militia and volunteers called into service of the United States by proclamation of the President, dated April, 1861.

The first amendment of the Committee on Finance was in lines four and five, to strike out the words "six millions of," and insert "five million seven hundred and sixty thousand;" so that the bill will read: "the sum of \$5,760,000."

Mr. FESSENDEN. That is the amount of the estimate.

The amendment was agreed to.

The next amendment of the Committee on Finance was to strike out all of the bill, after the word "States," in line seven, in the following words: "by proclamation of the President, dated April, 1861," and insert, "being an additional amount required for the fiscal year ending June 30, 1861."

The amendment was agreed to.

The bill was reported to the Senate, as amended, and the amendments were concurred in.

Mr. THOMSON. I shall vote for the bill; and I rise for the purpose of saying that, and at the same time of saying that I regret very much that I was called out of my place in the Senate yesterday when the vote was taken on the bill to authorize the employment of volunteers, &c.—Senate bill No. 1—for which I should have voted if I had been here. I will take the occasion to say further: that I shall vote for all proper measures to bring the war which is now waging against the Union to a speedy and successful issue.

The amendments were ordered to be engrossed, and the bill to be read a third time. It was read the third time, and passed.

On motion of Mr. FESSENDEN, the title was amended to read as follows:

An act to provide for the payment of the militia and volunteers called into the service of the United States, from the time they were called into service to the 30th day of June, 1861.

LOAN BILL.

A message from the House of Representatives, by Mr. ERIENRIDGE, its Clerk, announced that the House had passed a bill (No. 14) to authorize a national loan, and for other purposes; in which the concurrence of the Senate was requested.

On motion of Mr. FESSENDEN, the bill was read twice by its title, and referred to the Committee on Finance.

JUDGES OF DISTRICT COURTS.

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

Resolved, That the Secretary of State be directed to furnish the Senate with the names of the judges of the district courts in the various States of the Union; and also with a list of the districts in which there are vacancies.

EXPULSION OF SENATORS.

Mr. CLARK. I move now to take up the resolution which I submitted yesterday in regard to the expulsion of certain members of the Senate.

The motion was agreed to; and the Senate proceeded to consider the following resolution:

Whereas a conspiracy has been formed against the peace,

union, and liberties of the people and Government of the United States; and in furtherance of such conspiracy a portion of the people of the States of Virginia, North Carolina, South Carolina, Tennessee, Arkansas, and Texas, have attempted to withdraw those States from the Union, and are now in arms against the Government; and whereas JAMES M. MASON and ROBERT M. T. HUNTER, Senators from Virginia; THOMAS L. CLINGMAN and THOMAS BRAGG, Senators from North Carolina; JAMES CHESSNUT, Jr., a Senator from South Carolina; A. O. P. NICHOLSON, a Senator from Tennessee; WILLIAM K. SEBASTIAN and CHARLES B. MITCHELL, Senators from Arkansas; and JOHN HEMPHILL and LOUIS T. WIGFALL, Senators from Texas, have failed to appear in their seats in the Senate and to aid the Government in this important crisis; and it is apparent to the Senate that said Senators are engaged in said conspiracy for the destruction of the Union and Government, or, with full knowledge of such conspiracy, have failed to advise the Government of its progress or aid in its suppression: Therefore,

Resolved, That the said MASON, HUNTER, CLINGMAN, BRAGG, CHESSNUT, NICHOLSON, SEBASTIAN, MITCHELL, HEMPHILL, and WIGFALL, be, and they hereby are, each and all of them, expelled from the Senate of the United States.

Mr. CLARK. I do not propose to submit any remarks to the Senate upon that resolution now, unless they should be called for by the remarks of motions of others; but I ask that the Senate will order the yeas and nays upon its passage.

Mr. McDUGALL. I would suggest to the Senator from New Hampshire, whether a matter of this kind had not better be referred to, and the whole subject presented by the report of, a committee. I take it that the objection against the Senators named may also be made against other Senators not named in the resolution. I think a matter of such consequence should be referred to a committee, and they should report the causes of this step, and embrace the whole subject, and report as to all Senators who may have taken such a course as to disqualify them for seats on this floor. It strikes me that would be the better course. I would suggest a reference of the resolution to the Committee on the Judiciary.

Mr. CLARK. I desire to say to the Senator from California, that if he wishes a reference to the committee for any particular reason, I shall not oppose it. This resolution includes those Senators, and the cases of those Senators, who have absented themselves from the Senate, and all of those, I think, whose cases have not been considered, who are now absent from the Senate. I deemed it advisable to put them in a resolution by themselves.

Mr. McDUGALL. I thought there were other Senators not present, who stood in the same category.

Mr. CLARK. Perhaps the Senator was not aware of the fact, that we declared the seats of certain Senators who were not here, vacant at the last session, and that is the reason they are not included in this resolution.

Mr. McDUGALL. I was not aware of that.

Mr. CLARK. This includes, I think, every individual Senator who is now absent, whose case has not been already considered.

Mr. McDUGALL. That corrects me as to my information.

Mr. CLARK. Then I ask that the yeas and nays be ordered.

Mr. BAYARD. I can see no reason why we should depart from the determination of the Senate at the last session, in declaring the seats vacant, and adopt now the rule of expulsion. I know of no conspiracy on the part of the Senators named in the resolution. I cannot say that it has not existed, but I know the general fact, that, claiming the right of secession for their States (though I differed from them in that) as a right under the Constitution, they have acted openly with their States. Their States have chosen to leave this Union. Whether they have the authority or not, is questioned. They consider it a legitimate exercise of reserved rights under the Constitution. I consider the act as revolutionary. There is the difference. Shall I exercise the power of expulsion against a Senator on the ground of conspiracy, because he may be erroneous in point of law as to the effect of the action of his State? Am I to condemn him individually for the action of his State?

I hold that the power of expulsion was given to the Senate in reference to the individual action of the Senator, and arising from his individual misconduct, and was not intended to have any operation whatever in reference to acts of this nature. No such case was contemplated; and the only possible effect of so wording the resolution,

is simply to create additional feeling and additional hostility between the already sufficiently excited people of this country. I see no reason for departing from the course which the Senate took at the end of the last session, and I shall therefore vote against this resolution as it stands. Place it in the other shape of declaring the seats vacant, and I shall interpose no objection whatever to it; but I have no knowledge of a conspiracy—and I think I understand what the term means—on the part of any of those Senators which the preamble recites as “apparent to the Senate.” The action was avowed, open; it was an appeal to the people of their respective States; the people of their States, by majorities, recognized that course, and the States assumed the responsibility, as political governments, of going out of this Union. I am not willing to pass judgment of expulsion upon the individual, founded on that. I may declare the seat vacant; that may be proper for the organization of the Senate; but I am not willing to go beyond that.

Mr. CLARK. I wish, before debate continues, that the order may be made to have the question taken by yeas and nays.

The PRESIDING OFFICER. The yeas and nays are demanded on the passage of this resolution, when the question shall be taken.

The yeas and nays were ordered.

Mr. CLARK. Mr. President, I do not regard it less a cause of expulsion of these several individual Senators that they have acted openly against the Government. This resolution recites that there has been a conspiracy against the liberties and union and existence of this Government. It recites, further, that portions of the people of certain of the States have endeavored to force those States out of the Union; and that these individuals have either aided in that conspiracy or have failed to give the Government any knowledge of its progress, or to assist in its suppression. Now, with all deference to the Senator from Delaware, I claim that that is a good ground for expulsion from the Senate. I do not care that they have acted openly; yea, sir, I will say that if they have acted openly, and have put themselves in conspiracy and in revolution and in arms against this Government, I would have the expulsion openly before the country.

I dare say the Senator would be glad that these seats should be declared vacant, and that the question should be left in abeyance whether they have the right to go out; but I want to deny here, on the floor of the Senate, the right of any State to secede; and when a Senator accedes to that action of his State, or the people of the State, I want to declare that he puts himself in a hostile attitude to this Government, and deserves expulsion from the councils of the nation. I hope that no such tame measure as declaring these seats vacant will be adopted by the Senate. I want the Senate to proclaim to the nation that we will not have these men in our councils, and that they shall go out. We let certain Senators withdraw at the last session—no, sir, we did not let them withdraw; they withdrew themselves, and left their seats vacant, and we declared them vacant by that act of virtual resignation. But now, sir, this revolution has gone on; it has made rapid progress; they have taken up arms against the Government; they have not only seized your arms, but they have assaulted your fortifications; their guns are now within sound of your capital; and shall we sit here in the Senate and deliberate and doubt whether we shall turn out of this Senate the very men who are ready to explode those guns against your capital? No, Mr. President; let the judgment of the Senate be as summary, as decisive, and as signal, as their revolution has been rapid; and let them be ejected from the councils of the nation.

Mr. BAYARD. Mr. President, I can see no reason for the action which the honorable Senator calls for, and I do not think that by your action in the case of individuals, you are to settle the difficulties that now exist in this country, or alleviate the disastrous condition in which we stand; or, in other words, terminate the war which actually exists. I admit all that has been said, but still I consider that that is no ground for the expulsion of an individual, though it may be for vacating the seat. The action which calls the individual out of the Senate is the action of a political community; and it is perfectly consistent with differ-

ence of opinion on his part and mine, without the slightest taint of his personal character; that he should withdraw from the Senate of the United States. If you permitted other Senators at the last session to withdraw openly in the face of the Senate, and simply declared their seats vacant as if they had resigned, on what principle is it that you now undertake to expel Senators for mere non-attendance because their States have done certain acts? They have engaged in no conspiracy. You do not know now that several of those Senators may not have been opposed to what is called the secession of their States. They may hold themselves bound by it since it is done. My impression is, so far as I have any knowledge of them, that many of them did hold that secession was not a constitutional remedy, and were opposed to the action on the part of their States, but gave way to it after it had taken place. That I presume from their non-attendance. I consider it no ground of expulsion. I do consider it a ground for declaring their seats vacant. The Constitution in reference to the expulsion of members says:

“Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.”

I take the whole clause as it stands, and I suppose that that power which is given to the Senate in reference to the individuality of the Senator is in connection with and immediately subsequent to the clause which authorizes punishment for disorderly behavior, and that something more than disorderly behavior on the part of the individual—something affecting him personally, as regards his standing in the community, some gross immorality, some gross individual act—is the only thing which, in my judgment, was meant to be remedied by the right of expulsion. I admit the right to declare the seats vacant; but I cannot see the necessity or propriety of assuming what is not proved—what, in my judgment, is not the fact—that any conspiracy has existed on the part of these individual Senators, or that it can be made apparent to the Senate.

Mr. CLARK. I simply content myself by asking that a vote on the resolution may be had.

Mr. LATHAM. Mr. President, I shall not vote for this resolution as it stands. I will vote to strike the names of these gentlemen from the roll, and to declare their seats vacant. I will not vote to expel them, because I think, as to some Senator's named, that that would be unjust and improper. Expulsion implies turpitude. It is a reflection upon the personal character of the individual; it is a stain. Now I know myself that some Senators—two in particular—named in that resolution, did not indorse the right of secession. They disapproved of it; they never sanctioned it; and they did not think they could occupy a seat on this floor after their State had seceded. They have never, that I have heard of, aided, advised, or counseled, in any respect, the movement of their State in the attitude they occupy towards the General Government; I therefore conceive that it would be more proper and more dignified for this body to declare their seats vacant, and strike their names from the roll, than it would be, by the terms of this resolution, to expel them from the body. I think it is too severe a denunciation of the conduct of some of the gentlemen, at least, who are named in it, and therefore I shall not vote for it.

The PRESIDING OFFICER. Is the Senate ready for the question on the adoption of the resolution?

Mr. LATHAM. I move to strike out the word “expelled,” and to insert the words “that their names be stricken from the roll, and their seats declared vacant.”

Mr. McDUGALL. Mr. President, I differ with the views of my colleague; and, in stating that I am prepared to vote for the resolution offered by the Senator from New Hampshire, I wish to say that I do not vote for the expulsion of these members upon the ground that their States have declared themselves out of the Union. The expulsion is for personal cause. It is, that they have espoused the controversy made against the Republic, evidenced by one circumstance, perhaps sufficient, independent of what history has already reported of them—that they are not here. Now, there may be no turpitude in this act of theirs, or in their espousing the adversary cause. Treason was always a gentlemanly crime, and in ancient times a man who committed it was enti-

ted to the ax instead of the halter. However, it is none the less a crime, and the greatest; and espousing a cause against the Republic, if it be not treason, is akin to that crime. Sir, I am prepared to vote for the resolution of expulsion. No man has a right to a place on this floor who espouses a cause adverse to the Government.

Mr. CLARK. I have but one suggestion to make, sir. I hope the amendment will not be made. In the early part of these disturbances, many officers of the Army of the United States sent in their resignations. They were accepted. There was a general outcry of indignation throughout the country against that course. The people demanded that their names should be stricken from the rolls. Now, while we require the military department to strike an officer's name from the roll who will not serve his country, why shall we not turn out of this Senate a Senator who will not serve his country, and set them the example? I hope the amendment will not be made.

Mr. LATHAM. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. BAYARD. I desire to hear the amendment read again.

The Secretary read the amendment, to strike out the following words: "expelled from the Senate of the United States," and to insert in lieu thereof the words: "stricken from the roll, and their seats declared vacant."

Mr. COLLAMER. I suggest that it will be necessary also to insert the words, "names of the" at the beginning of the resolution, in order to make the amendment grammatical—"that the names of A, B, C, D," &c.

The PRESIDING OFFICER. That correction will be made.

The resolution, if amended as proposed, will read as follows:

Resolved, That the names of the said MASON, HUNTER, CLINGMAN, BRAGA, CHRISTY, NICHOLSON, SEBASTIAN, MERRICK, HEMPHILL, and WIGFALL, be, and they hereby are, stricken from the roll, and their seats declared vacant.

The question being taken by yeas and nays, resulted—yeas 11, nays 32; as follows:

YEAS—Messrs. Bayard, Breckinridge, Bright, Johnson of Missouri, Johnson of Tennessee, Latham, Nesmith, Polk, Powell, Rice, and Sautsbury—11.

NAYS—Messrs. Anthony, Bingham, Browning, Chandler, Clark, Collamer, Cowan, Dixon, Doollittle, Fessenden, Foot, Foster, Grimes, Hale, Harlan, Harris, Howe, King, Lane of Indiana, Lane of Kansas, McDougall, Morrill, Pomroy, Sherman, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, Wilnot, and Wilson—32.

So the amendment was rejected.

The PRESIDING OFFICER. The question now is on the adoption of the resolution.

The question being taken by yeas and nays, resulted—yeas 32, nays 10; as follows:

YEAS—Messrs. Anthony, Bingham, Browning, Chandler, Clark, Collamer, Cowan, Dixon, Doollittle, Fessenden, Foot, Foster, Grimes, Hale, Harlan, Harris, Howe, King, Lane of Indiana, Lane of Kansas, McDougall, Morrill, Pomroy, Sherman, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, Wilnot, and Wilson—32.

NAYS—Messrs. Bayard, Breckinridge, Bright, Johnson of Missouri, Johnson of Tennessee, Latham, Nesmith, Polk, Powell, and Rice—10.

The PRESIDING OFFICER. On this question the yeas are 32, and the nays 10. Two thirds having voted for its passage, the resolution is agreed to.

THE VOLUNTEER BILL.

Mr. WILSON. I ask leave to submit a resolution calling back a bill which has been sent to the House of Representatives, in which it is important to make some changes:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. No. 1) to authorize the employment of volunteers to aid in enforcing the laws and protecting public property.

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

APPROVAL OF PRESIDENTIAL ACTS.

The Senate resumed the consideration of the joint resolution (S. No. 1) to approve and confirm certain acts of the President of the United States for suppressing insurrection and rebellion, the question being on the passage of the joint resolution.

Mr. POLK. Mr. President, I proceed with the reading of the resolutions adopted by the convention of the State of Missouri, where I left off yesterday:

"Resolved, That, in the opinion of this convention, the

employment of military force by the Federal Government to coerce the submission of the seceding States, or the employment of military force by the seceding States to assail the Government of the United States, will inevitably plunge this country into civil war, and thereby entirely extinguish all hope of an amicable settlement of the fearful issues now pending before the country; we therefore earnestly entreat, as well the Federal Government as the seceding States, to withhold and stay the arm of military power, and on no pretense whatever bring upon the nation the horrors of civil war."

To this resolution the following amendment was made:

"And it is the opinion of this convention, that the cherished desire to preserve the country and restore fraternal feelings, would be promoted by the withdrawal of the Federal troops from such parts of the seceded States where there is danger of a collision between the Federal and State forces."

The only other resolution passed by the convention, as I believe, was one in regard to the appointment of certain committees.

The PRESIDING OFFICER. The Senator will suspend his remarks. The Chair must appeal to members of the Senate to preserve order. Senators in loud conversation and moving about the room, so entirely disturb the business of the Senate that it is utterly impossible that it shall proceed. Senators will please take their seats and come to order.

Mr. POLK. After the convention adjourned, Mr. President, the people of the State of Missouri pursued their ordinary avocations in quietude and without any outbreaks or disturbances of any kind. When the President of the United States, on the 15th of April, issued his proclamation calling for seventy-five thousand of the militia of the States named by him, a demand was at the same time made on the Governor of Missouri for four regiments, according to my present recollection. That demand was not complied with by the Governor of the State. Thereupon, certain persons immediately commenced to enlist volunteers in the service of the United States. This conduct was without law. The only laws bearing on this subject passed by Congress, were those of 1792 and 1795; besides, there were the militia laws of the State, and these laws had been pursued by the President of the United States. There was no other course than that adopted by the President of the United States, known to the existing legislation of the country. Yet in a very short time, there were persons in the city of St. Louis calling themselves colonels, lieutenant colonels, and majors of regiments that had been thus illegally raised, but they had no commission from the Governor of the State, and the President of the United States was not authorized to give them any.

Mr. President, in the State of Missouri there was no "law of the United States opposed, or the execution thereof obstructed by combinations of men too powerful to be suppressed by the ordinary course of judicial proceedings." Indeed, sir, there was no resistance of any United States law. Yet Missouri, peaceful and law abiding, without cause, against law and in defiance of the Constitution, was invaded by United States troops, by troops from Illinois, by troops from Iowa, and by troops from Kansas. Indeed, sir, it seems that from the very moment in which the Administration resolved upon this policy of coercion, the State of Missouri was marked as a victim for sacrifice, for invasion, and subjugation. As early as the 30th of April, within about two weeks after the issuing of the first proclamation of the President, when there was entire quietude in the State and no extraordinary excitement, before the meeting of the Legislature at the extraordinary call of it that was made, (and that call was not made as early as the Legislatures were called in most of the non-slaveholding States of the Union,) and before any steps had been taken by the authorities of the State, or by the people, or by anybody else, except those acting or professing to act under the direction or by the authority of the Government at Washington, there was issued from the office of the Adjutant General the following order directed to "Captain Nathaniel Lyon, second infantry, commanding at St. Louis:"

Sir: The President of the United States directs that you enroll in the military service of the United States the loyal citizens of St. Louis and vicinity, not exceeding, with those heretofore enlisted, ten thousand in number, for the purpose of maintaining the authority of the United States, and for the protection of the peaceable inhabitants of Missouri; and you will, if deemed necessary for that purpose by yourself, and by Oliver D. Filley, John How, James O.

Brodhead, Samuel T. Glover, J. Wetzing, and Francis P. Blair, jr., proclaim martial law in the city of St. Louis. The additional force hereby authorized shall be discharged in part, or in whole, if enlisted, as soon as it appears to you that there is no danger of an attempt on the part of the enemies of the Government to take military possession of the city of St. Louis, or put the city in the control of a combination against the Government of the United States; and while such additional force remains in the service, the same shall be governed by the rules and articles of war, and such special regulations as you may prescribe, and shall, like the force heretofore directed to be enrolled, be under your command.

L. THOMAS, Adjutant General.

This order was published in the city of St. Louis in a garbled form; a part of it was omitted. The part omitted was this:

"By yourself, and by Oliver D. Filley, John How, James O. Brodhead, Samuel T. Glover, J. Wetzing, and Francis P. Blair, jr."

The only remark I have to make on that, Mr. President, is, that in my judgment the cause of justice and of truth and of the Constitution is never subserved by garbled publications, or by false representations, or by suppressions of the truth.

I have already shown, sir, that the President of the United States has no right to proclaim martial law, or suspend the writ of *habeas corpus*, either by himself or by any of his subordinate officers, much less on the suggestion of any number of irresponsible citizens, however worthy and excellent they may be. But who is it in this case that is authorized to proclaim martial law? It is a subaltern military officer, of a grade as low as a captain of infantry. Martial law seems to me to have been put at a very cheap rate by this order of the President.

Again, sir, I hold in the next place that the President of the United States has no authority to enroll in the military service of the United States "individuals not exceeding, with those heretofore enrolled, ten thousand in number," or any other number of men, as called for by this order. The laws of the land indicate clearly the manner, and the only manner, in which citizens or soldiers can be enrolled in the military service of the United States; and those laws do not justify any such procedure as that indicated in this order.

Again, the President of the United States says in this order:

"While such additional force remains in the service, the same shall be governed by the rules and articles of war and such special regulations as you"—

That is, Captain Lyon—

"may prescribe, and shall, like the force heretofore directed to be enrolled, be under your command."

The President of the United States has no right, himself, to prescribe special regulations for the government of soldiers in the service of the United States. That, by the Constitution, is reserved to the Congress of the United States, and to the Congress alone; and much less has he any authority to authorize a subaltern captain to prescribe "special regulations," which, in addition to the rules and regulations prescribed by Congress—the rules and articles of war, in other words—are to constitute the rule for the government of the troops that he may have under his control.

Missouri had in force a law, passed in 1839, for the organization and disciplining and training of her militia. That law provided for an encampment once a year, not exceeding six days—an encampment for the purpose of perfecting the force in discipline and military drill, and inuring them to the hardships and duties of the camp. This, I believe, is common in other States of the Union, and especially in the northern section of the country; and I believe that, in this respect, the example of Massachusetts had been followed by Missouri. Under this law, a number of volunteer companies were formed in the county of St. Louis, and perhaps in other parts of the State, and during the early part of the summer of the year 1860, such an encampment was had in the neighborhood of the city of St. Louis, under the direction of General Frost. It was for the purpose I have just indicated. No complaint was made; nobody was found to allege that there was anything illegal, insurrectionary, or improper in that encampment. During the progress of this season, a similar encampment was ordered, under the same law, for the 6th of May last. That encampment was held. It was likewise in the vicinity of the city of St. Louis, and about the same distance from the city,