SALE OF LIQUOR TO SOLDIERS.

Mr. HARRIS. Mr. President, it will be recollected by Senators that at the summer session of Congress a bill was passed to prohibit the sale of intoxicating drinks to soldiers in this District. I learn that by some criticism upon that bill, its intended effect has been to some extent evaded. I will express my desire to make that act more operative and effective. I ask leave, without previous notice, to introduce the bill.

Mr. WILSON. Let it be read in full.

The Senator read it, as follows:

Resolved, That all offenders offending against the provisions of the act, entitled "An act to prohibit the sale of intoxicating drinks in the District of Columbia, in certain cases," approved August 5, 1861, and be tried by the Supreme Court of the District of Columbia; and, upon conviction, shall pay a fine of twenty dollars, or in default of such payment shall be committed to the jail in Washington County, in the District of Columbia, for thirty days.

Mr. HARRIS. The only change that this amendment makes in the former bill is to give jurisdiction of these offfences over the judges of the peace; and as I conceive of no possible objection, I will, with the indulgence of the Senate, ask that the bill may be read in full.

Mr. COLLAMER. I have no objection to the bill; but I desire to suggest, that by committing it, it may have some addition. I have understood that the discretion of the judges of the peace, that if a grocer delivers liquor to a man who delivers it to a soldier, that is not a sale to a soldier, and that he will not be held. I am told that soldiers send citizens in to buy grog for them. I desire that the bill may receive some form that shall prevent such evasion. I desire, therefore, that the Senate Committee on the Judiciary, of which the gentleman is a member,

Mr. HARRIS. I will give way to that suggestion.

The VICE PRESIDENT. It will be so referred.

BILLS REFERRED.

On motion of Mr. HALE, the following bills and joint resolutions, now on the Calendar, were referred to the Committee on Naval Affairs:

A bill for an act to authorize the introduction of a code of marine signals adapted to secret service, and for other purposes; and a joint resolution (H. R. No. 1587) to authorize the appointment of a master's mate in the Navy.

A joint resolution (H. R. No. 5) to examine the condition of the Naval Academy, and inquire into the propriety of the increase of midshipmen in the Naval Academy.

A joint resolution (H. R. No. 13) to place the name of Lieutenant Charles Thomas upon the active service list of the United States Navy.

A joint resolution (H. R. No. 12) to place the name of Commander Amsa Pain on the active service list of the United States Navy.

A joint resolution (H. R. No. 14) to place the name of Lieutenant Peter Turner upon the active service list of the Navy.

DEATH OF HON. E. S. BINGHAM.

Mr. CHANDLER. Mr. President, again is the Senate called to the sad duty of recording the loss of one of its members. Twice since the adjournment of the extra session in March last has the great decrepitude of age dealt a fatal blow to a lover of the United States. Mr. Bingham, and on each occasion one of our noblest and best has fallen before his fatal shaft. Then Douglas, Bingham, and Baker were nobly combating the pestilence which devastated the country, and the Union; now they are silent; gone to that undiscovered country.

From whose leaves no inveterate returns, gone to account to that higher tribunal before which we all must ere long appear.

Mr. President, it is my painful duty to announce to the Senate and the country the decease of my late colleague, Hon. Eunice S. Bingham, which occurred at his residence in Green Oak, Livingston county, Michigan, on the morning of the 7th day of October last.

Mr. Bingham was born in Camillus, Onondaga County, New York, on the 22d of December, 1808. His father, a prominent citizen of the State of New York, was a member of the state legislature of 1829, and in the same year was elected as a member of the state assembly. He died in 1834. His mother was a daughter of the late James R. Lawrence, Esq., of Camillus, now of Syracuse, New York. Although Mr. Bingham's ancestry is of respectable origin, he was not reared in the family circle of privilege, but was early thrown upon the practice of his profession, his native leading him to agricultural pursuits.

In the spring of 1828, Mr. Bingham, anticipating the future destiny of the then prosperous Territory of Michigan, selected it as his home, and settled upon the farm on which he now resides, near the vicinity of Pontiac, and was successful in his efforts. He is a man of large fortune, and is noted for his benevolence toward his poor and friends, with nothing but his own strong arm and indomitable will, with his young and interesting wife, he clothed with the softness of a home in the midst of the wilderness, a home, a name, and a fame. How well this was accomplished, the records of his adopted State and of nation will witness. He was the first minister of the peace, the first postmaster, and the first superintendent in the township. He was elected a member of the House of Representatives, in the first Legislature under the State constitution, and was reelected five successive terms, and during those years was three times elected to the House of Representatives. In 1845, he was elected a member of the popular branch of the national Legislature, and reelected in 1848. A Democrat in sentiment, his early career a model, and a zealous partaker when the demands of party did not conflict with the maintenance of principle, the most distinguished as a warm and ardent advocate of the Democratic doctrine embodied in the "Wilmot proviso." Opposed under all circumstances the extension of slavery over free territory, he persistently and ably opposed the annexation of Texas, and the compromise which both preceded and followed that result.

In 1850 he was denounced by the party leaders who had so lately devoted to his honor, and was defeated in the nominating convention of his party, by his able opponent, Mr. Douglas. In the same year, he became preeminently the people's candidate, repudiated by party leaders, yet proving by the record of his party that he was a true soldier of his party. In 1854, at the organization of the Republican party, in mass convention of the people he was nominated as candidate for Governor of the State of New York, and carried the State. In 1855 he was re-elected by the largest majority ever given to any candidate in the State. So uninaugurated was the public confidence in his ability, fidelity, and integrity, that when a vacancy occurred in the Senate of the United States, in 1859, he was elected almost by acclamation. Occupying a seat upon this floor, his course is known to all. You, Senators, will bear record that no member of this body, however respected for his piety, his love, the soundness of his judgment, and his fidelity to principle. Yet it was neither in the Senate nor in the forum that the virtuous Bingham shone with the most resplendent luster. There he was appreciated as the brave and able debater, to whose arguments the northern section of the country was always found in him both sympathy and counsel.

Upon the family circle of his own home this brow has fallen with crushing weight. To a gentle, loving wife and two sons, the loss is irreparable. From the desolate hearthstone I will not attempt to raise the veil of grief. A loving husband...
The VICE PRESIDENT. The Senator from Michigan, with the unanimous consent of the Senate, is granted one hour further time to bring up the Senate journal of yesterday. Is there any objection? The Chair hears none.

The resolution, as modified, was agreed to.

EXCLUSION OF A SENATOR.

Mr. FOOT. I offer a resolution the other day relating to the expulsion of a member of this body. It is a highly privileged question, and I call for its consideration at once.

The VICE PRESIDENT. The Senator from Vermont calls for the consideration of his resolution. It will be read.

The resolution submitted by Mr. Foot on the 10th inst., which is as follows:

Resolved, That Wm. P. Johnson, a Senator from the State of Vermont, has by his conduct and attitude toward, the rebellion against the Government of the United States, exhibited a spirit of conduct incompatible with his duty and station as a Senator; and that he be, therefore, and hereby, expelled from the Senate of the United States.

Mr. FOOT. Mr. President, I believe it to be a matter of public notoriety that Mr. Johnson, a Senator from Missouri, is in sympathy and in direct connection with the secessionists of his own and other states. I am informed from a reliable source, by a gentleman of high position, character, and standing, residing in St. Louis, Missouri, that it is the present system and command in the rebel army. As further evidence of his sympathy and cooperation with the rebellion against the Government, I will ask the Senate to attend to the facts brought out by Mr. Johnson some time ago in the State of Missouri, and published in the St. Louis News, which I think the key to the satisfaction of every member of the body.

The Secretary read, as follows:

[From the St. Louis Evening News, May 28.]

Section Speech of Mr. Henry S. Foote—Patriot, November 28, 1861.

Mr. Foot, Missouri, May 3, 1861.

Judge Johnson spoke at this place yesterday. He said the honor and esteem of Missouri demanded her speedy union with the States of the Confederacy. If she should refuse to do it, she must degrade herself by tolerating an "armed neutrality." But for the joint resolution of Congress, Kansas would remain free—still free. He contended that the doubt of the loyalty of Kansas was as great as the question of the policy. Not to be a secessionist is to be a dangerous ad- visor. He and his party were men who felt the principle involved. If the South should be defeated, it would be a nation that has not the spirit to fight. She has not the power to be free. She has not the courage to be equal.

Mr. Foote. I understand the position of the Senator from Missouri is well known to the country at large, through the ordinary channels of public communications. I refer to the New York papers, and the like. I understand also that the President has, in his message, rather explicitly declared that he is a leader in the rebel army.

Mr. FOOT. The question upon this resolution, I take it, Mr. President, as a matter of necessity, must be taken by yeas and nays, it requiring a two-thirds vote of a quorum of a member from this body, and that fact must appear on the record.

Mr. SAULSBURY. There is no doubt, sir, that Judge Johnson has been guilty at least of aiding the so-called Confederates, and that it is ground for expulsion from the Senate of the United States. But I take it that the Senate of the United States should not assume to express an opinion from this body without, at least, some evi-
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shall never have a rebellion flouting its flag over one third of the country in the time to come; and if we should, after the settlement of this question in the way which I hope we shall settle it, I trust in Heaven and in the Senate, or the House, or the people, or the Governor, or the Senate of the State, or the Chamber of the other branch of Congress, any man who for months has had an ascertainment of this kind uttered against his character, shall feel himself under the obligation to deny it, or send a man here to deny it in his behalf.

Mr. McDougall. As to the thing to be done, I suppose there is no difference between the Senate, or the Chamber, or the Governor, or the Senate of the State, or the Governor, or the Senate of the State, or the Chamber of the other branch of Congress, any man who for months has had an ascertainment of this kind uttered against his character, shall feel himself under the obligation to deny it, or send a man here to deny it in his behalf.

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pointing, of assessors and collectors under the income tax acts of the United States.

Mr. SUMNER. I offer a resolution, which I shall ask to have referred to the Committee on the Judiciary.

Mr. HALE, of Missouri, now a trial attorney to the United States, has been here, and I hope he is expeditiously from the Senate.

The Vice President. The first question is whether the Senate will consent to the consideration of the resolution of today, the clause here is objection, and the resolution is before the Senate. The question is on referring the resolution to the Committee on the Judiciary. The motion is agreed to.

Mr. SUMNER. I believe, that, within a few days this person has made his way to Memphis. Why is he at Memphis, when he should be at Washington?

As Senator Polk, of Missouri, is expected daily in Washington, I hope that the Senate has not been hasty in prelude the bill. He will be confronted by the letter, written by him himself, containing the entire of the bill in its final form.

Mr. TRUSTEN POLK. Before the bill, the Senate has been addressed by the Senate of Mississippi. Write in a letter, a subject to the Senate, in Spence's succession, and also be needed to secure Polk's expulsion as a traitor.

Mr. BAYARD. The motion before the Senate, I believe, is to refer the resolution to the Committee on the Judiciary. The question is on the objection to that motion; I think it is the proper course for the resolution to take; but I might as well now the view that I take of this question.

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to furnish employment to liberated negroes, may be accepted; which was referred to the Committee on the Judiciary.

Mr. POMEROY presented a petition of citizens of Tidewater, Pennsylvania, praying the total abolition of slavery throughout the commonwealth; which was referred to the Committee on the Judiciary.

Mr. WILKINSON presented two petitions of citizens of Minnesota, praying the total abolition of slavery, and the abolition of the slave trade, which were referred to the Committee on the Judiciary.

Mr. HOWE presented four petitions of the citizens of Wisconsin, praying that some provision might be made for the protection and return of the Fox river, free of cost, as a site for an armory; which was referred to the Committee on Military Affairs and the Militia.

He also presented a memorial of the Fox and Wisconsin Improvement Company, tendering a government power on the Fox river, free of cost, as a site for an armory; which was referred to the Committee on Military Affairs and the Militia.

BILL INTRODUCED.

Mr. BROWNING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 146) to provide for the establishment of a military post at Quincy, Ill., which was referred to the Committee on Military Affairs and the Militia.

Mr. LATHAM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 147) to provide for the establishment of a military post in the State of California, to aid in the construction of certain railroads in said State; which was read twice its title, and referred to the Committee on Public Lands.

CONSULS AND COMMERCIAL AGENTS.

Mr. GRIMES. I move to take up the resolution which I offered yesterday, and which was laid over at the instance of the Senator from New Hampshire, in regard to consuls and commercial agents.

The motion was agreed to; and the Senate proceeded to consider the following resolution, which was introduced by Mr. Butler:

Resolved, That the Secretary of State be directed to communicate to the Senate the number, names, and residences of all consuls and commercial agents appointed under the act of August 2, 1821, entitled "An act to increase the consular representatives of the United States during the present insurrection," and to what place appointed; also, that he be requested to furnish the Senate a statement showing what increase has been made in the number of consuls in foreign ports, to what consule, and at what ports.

The resolution was agreed to.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. McCLELLAND, announced that the Speaker of the House of Representatives had signed an enrolled joint resolution (H. R. No. 28) to strike out the word "Amend," which was inserted in the Senate by the Senate that, having the evidence on the duties on tea, coffee, and sugar, approved 24th December, 1861, which therefore received the signature of the Vice President.

PERSONAL EXPLANATION.

Mr. LANE of Kansas. I send to the Secretary of the New York Herald of yesterday, and ask that the passage which I have marked be read.

The Secretary read the report, as follows:

"The Senate has engaged to-day in discussing a very important subject, namely, whether Senator Sumner was a legitimate Senator in the Senate of the United States, or whether 'Sumner could have legally been considered his seat in the Senate at this moment, which he occupied that the whole matter has been settled by the formal resolution of the Senate of the United States, and that it is the duty of the Senate to declare the fact, that he was his resignation to the Senate, and to the Senate, that the Senate took no notice of it, and that it is not true that I denounced the resolution."
I dare say, is meritorious; but if the bill should be passed without the amendment I propose, at the close of every term of service there will be released from the jail except those against whom an indictment has been found. The necessary condition under which those persons are to be released from jail is that they shall be in custody until their matter shall be decided in this way. If it is proper, I will again ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. GIDDINGS, of Ohio, fresh in my reading of history; but from my recollection of the descriptions of prisons I have read of, I think there never was a place of confinement that would be compared with the Washington jail as it was at the commencement of the present session, except the French Bastille and the dungeons of Newgate. Rarely, if ever, has so much liberty been given to so many persons that had all the requisites of a liberty, and yet so much that was not liberty. If I first visited it a few days before the session of Congress, there were then confined in it two hundred and eighteen persons; 18 black spirits and white, 18 respectable persons, persons of all complexions, of all colors, of all ages, of different sexes, and with any particular class associated that they had not been committed. A little boy, confined for a trivial offense, who had followed, from his youthful indiscretion, a regiment from the State of Connecticut; and a man, a colored man, who was put under the care of the police of the city of Washington, who were committed. The prison at this time is in much better condition than it was before the special attention of Congress was called to it. A great many persons have been removed; a good many soldiers who had been put in there for trivial military offenses, have been taken out by order of the provost marshal; a good many fugitives from service, or persons who were under sentence in the county court, or service, owned by citizens of the adjacent States, have been removed; but there are at this time, I am told, about one hundred, or upwards of that number, in the jail—in the jail—more than three times as many as the capacity of the jail is designed to accommodate.

It has not been the invariable rule, Mr. President, and I am not aware that the Senate of the District to discharge persons who have been committed upon an alleged offense when the grand jury fails to find a bill against them, or to dismiss a bill to make it obligatory upon the court to enter an order of that kind.

When the grand jury the other day, I had hardly entered the threshold before a colored boy stepped up to me and tapped me on the shoulder. He happened to know who I was. Said he, "I amlongitude, that year and four days." I asked him for what offense. He said he was confined as a runaway. I asked him if any one claimed him. "No." "Are you a free boy?" "Yes." Turning around to the jailor, I asked him if that was so. He said it was. I asked him "how do you know it to be so?" "I know it to be so, because there was a woman and child, who were born and reared where this boy was born and reared, and stated that he was free of their knowledge, for which reason, and at the time he was born." I asked the jailor to produce the record of commitment and the minutes, and there I found that the boy had been confined, not twelve months only, but thirteen months and four days, merely on the charge of being a runaway.

Now, I want such cases as that, under this bill, to be released; and if there be any duty to vote money, to impose taxes on our constituents to keep a slave pen here in the capital of the Union for the purpose of confining a free boy from the State of Maryland, who should be taken into the jail by one of your District justices of the peace or constables.

I found another case, Mr. President. A white man who was committed nearly six months ago told me, and told other persons who visited the jail with me, that he was written to the magistrate who committed him and to the prosecuting attorney and to sundry other parties in this city, informing them to inform him for what offense he had been committed; that he was unable to ascertain where he was to be brought up, and that he had been in a session of the grand jury, and still he was there held, and was lying upon a bed of sickness. Upon inquiry of the persons who had been committed, I was informed that he had been entered in that case, dated on the 6th of December, directing that the prisoner should be discharged, yet the order had not been carried into execution. There was a mistake; Mr. President, I am sorry, but there was no mistake; there was no apology for retaining him in jail. He should have been sent to the almshouse where we have him, and a few hundred dollars supporting the very purpose of receiving persons who may be in his condition.

There was another case there, sir. A young colored man, who can boast of a deep sea fish from the vicinity of Pittsburg, was thrown into this jail in August last. The regiment to which he was attached went forward toward the face of the enemy. There was nobody here to look after him. There is no doubt as to his being a free boy, and yet he was there on the first day of this session.

It is to such cases as that I desire this bill to apply. There are other cases, Mr. President. They have more to do. They are not in this District and District alone. They call them an apprehension fee. They have a law which declares that if any slave wanders a certain distance from the residence of his master he may be Apprehended. There are more cases, sir, than I am familiar with. I am credibly informed, who are lying in wait all around your city and the surrounding counties. There are hundreds more. There are hundreds that are committed.

Mr. President, if you are in favor to the bill, it is the purpose of the bill by providing that when they find such a person beyond the limited distance, these harpies pounce upon him, or her, and when the master to find him, or her, in the course of two or three weeks he will find him in the Washington jail, from which it will be impossible to extricate him without paying a large sum for their labor, to the prejudice of his or her free status. In addition to this apprehension fee. I do not desire, and I do not think that the Senate desires that the condition of the colored man or woman who is out picking berries and visiting a friend and who will wander a little farther than the distance given the Bill, shall be required. The moment they can find such a person beyond the limited distance, they harpies pounce upon him or her and, when the master to find him, or her, in the course of two or three weeks he will find him in the Washington jail, from which it will be impossible to extricate him without paying a large sum for their labor, to the prejudice of his or her free status. In addition to this apprehension fee. I do not desire, and I do not think that the Senate desires that the condition of the colored man or woman who is out picking berries and visiting a friend and who will wander a little farther than the distance given the Bill, shall be required. The moment they can find such a person beyond the limited distance, they harpies pounce upon him or her, and when the master to find him, or her, in the course of two or three weeks he will find him in the Washington jail, from which it will be impossible to extricate him without paying a large sum for their labor, to the prejudice of his or her free status. In addition to this apprehension fee. I do not desire, and I do not think that the Senate desires that the condition of the colored man or woman who is out picking berries and visiting a friend and who will wander a little farther than the distance given the Bill, shall be required. The moment they can find such a person beyond the limited distance, they harpies pounce upon him or her, and when the master to find him, or her, in the course of two or three weeks he will find him in the Washington jail, from which it will be impossible to extricate him without paying a large sum for their labor, to the prejudice of his or her free status. In addition to this apprehension fee. I do not desire, and I do not think that the Senate desires that the condition of the colored man or woman who is out picking berries and visiting a friend and who will wander a little farther than the distance given the Bill, shall be required. The moment they can find such a person beyond the limited distance, they harpies pounce upon him or her, and when the master to find him, or her, in the course of two or three weeks he will find him in the Washington jail, from which it will be impossible to extricate him without paying a large sum for their labor, to the prejudice of his or her free status. In addition to this apprehension fee. I do not desire, and I do not think that the Senate desires that the condition of the colored man or woman who is out picking berries and visiting a friend and who will wander a little farther than the distance given the Bill, shall be required. The moment they can find such a person beyond the limited distance, they harpies pounce upon him or her, and when the master to find him, or her, in the course of two or three weeks he will find him in the Washington jail, from which it will be impossible to extricate him without paying a large sum for their labor, to the prejudice of his or her free status.