Mr. WILSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 97) to provide for the reorganization of the medical department of the Army; which was read twice by its title, and referred to the Committee on Military Affairs and the Militia.

He also asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 22) providing for the payment of the awards of the commission to investigate the military claims in the department of the West; which was read twice by its title, and referred to the Committee on Finance.

Mr. NESMITH, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 99) providing for the protection of overland emigrants to California, Oregon, and Washington Territory; which was read twice by its title, and referred to the Committee on Military Affairs and the Militia.

EXPULSION OF A SENATOR.

Mr. FOOT. I offer the following resolution; and ask that it lie on the table, giving notice that I shall call it up for consideration in a day or two:

*Resolved*, That WALDO P. JOHNSON, a Senator from the State of Missouri, by his sympathy with and participation in the rebellion against the Government of the United States, has been guilty of conduct incompatible with his duty and station as a Senator; and that he be therefor, and hereby is, expelled from the Senate of the United States.

AIDS-DE-CAMP.

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

*Resolved*, That the Committee on Military Affairs and the Militia be instructed to inquire into the expediency of limiting the number of aids-de-camp to be appointed by the President.

THE FISHERIES.

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

*Resolved*, That the message of the President, of July 22, relative to the appointment of a joint commission, with a view to the protection of the fisheries adjacent to the northeastern coast and islands of North America, be taken from the files, and referred to the Committee on Foreign Relations.

THE JUDICIAL SYSTEM.

The VICE PRESIDENT. If there be no further resolutions or bills, the question before the Senate is on the resolution submitted yesterday by the Senator from New Hampshire, [Mr. HALE,] which will be read by the Secretary.

The Secretary read it, as follows:

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency and propriety of abolishing the present judicial system of the United States, and establishing instead thereof another judicial system, in pursuance of the provisions of the Constitution, which, in the opinion of Congress, will meet the requirements of the Constitution.

The resolution was agreed to.

ADMISSIONS TO THE FLOOR.

The VICE PRESIDENT. A resolution, submitted by the Senator from Rhode Island [Mr. ANTHONY] yesterday, is now before the Senate, and will be read by the Secretary.

The Secretary read it, as follows:

*Resolved*, That Governors and ex-Governors of States be admitted to the floor of the Senate.

Mr. ANTHONY. I desire to make that resolution conform to the usual form by saying:

That the 48th rule be amended by adding thereto the following: "And Governors and ex-Governors of States."

Mr. HARLAN. I move to amend by adding, "and Territories."

Mr. COLLAMER. I think that alteration of the rules requires time.

The VICE PRESIDENT. The impression of the Chair is, that the resolution submitted by the Senator from Rhode Island yesterday is equivalent to a notice of a day. The rules cannot be changed without a notice of one day.

Mr. ANTHONY. I accept the amendment of the Senator from Iowa.

Mr. COLLAMER. I desire that the resolution shall be committed. I move that it be referred to the Committee on Public Buildings and Grounds.

Mr. ANTHONY. I have no objection to its taking that direction.

The VICE PRESIDENT. It will be so referred, if there be no objection. The Chair hears none.

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 have prepared a bill with a view to make that act more operative and effective. I ask leave, without previous notice, to introduce the bill.

There being no objection, leave was granted to introduce the bill (S. No. 98) to amend an act entitled "An act to prohibit the sale of spirituous liquors and intoxicating drinks in the District of Columbia, in certain cases," approved August 5, 1861; and it was read twice by its title.

Mr. WILSON. Let it be read in full.

The Secretary read it, as follows:

*Be it enacted, &c.*, That any person offending against the provisions of the act, entitled "An act to prohibit the sale of spirituous liquors and intoxicating drinks in the District of Columbia, in certain cases," approved August 5, 1861, may be tried before any justice of the peace for 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.

SEC. 2. *And be it further enacted*, That all fines collected under the provisions of this act, and the act hereby amended, shall be paid to the levy court of Washington county, in the District of Columbia, for the use of said court.

Mr. HARRIS. The only change that this amendment makes in the former bill is to give jurisdiction of these cases to justices of the peace; and as I can conceive of no possible objection, I will, with the indulgence of the Senate, ask that the bill may be put upon its passage.

Mr. COLLAMER. I have no objection to the bill; but I desire to suggest, that by committing it, it may have some additions. I have understood that the decision has been here, under that act, that if a grocer delivers out liquor to a man who delivers it to a soldier, that is not a sale to a soldier under the act. The result is, as 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 bill may be referred to the 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 (H. R. No. 9) to provide for the introduction of a code of marine signals adapted to secret service, and for other purposes;

A bill (H. R. No. 83) for the temporary increase of midshipmen in the Naval Academy;

A joint resolution (H. R. No. 5) to examine the condition of the Naval Academy, and inquire as to the reorganization thereof;

A joint resolution (S. No. 6) to place the name of Lieutenant Charles Thomas upon the active service list of the United States Navy;

A joint resolution (S. No. 12) to place the name of Commander Amasa Paine upon the active service list of the Navy;

A joint resolution (S. No. 13) to place the name of Lieutenant Charles Hunter on the active service list of the Navy; and

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

DEATH OF HON. K. S. BINGHAM.

Mr. CHANDLER. Mr. President, again is the Senate called to mourn the loss of one of its members. Thrice since the adjournment of the extra session in March last has the great destroyer knocked at the door of the Senate Chamber, and on each occasion one of our noblest and best has fallen before his fatal shaft. Then Douglas, BINGHAM, and BAKER were nobly combatting for the preservation of the Constitution and the Union; now they are silent; gone to

"that undiscovered country
From whose bourne no traveler 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. KINSLEY S. BINGHAM, which occurred at his residence in Green Oak, Livingston county, Michigan, on Saturday, the 5th of October last.

Mr. BINGHAM was born in Camillus, Onondaga county, State of New York, on the 16th of December, 1808. His father was a farmer in moderate circumstances, but of high character and strict integrity. As was usual with the sons of farmers at that time, young BINGHAM attended the district school in winter, and labored on the farm in summer, until, at the age of thirteen years, he commenced his academical course at Onondaga Hollow, which was subsequently completed at Bennington, Vermont, the birthplace of his father; after which he taught a district school in his native town, and at the age of twenty entered the law office of James R. Lawrence, Esq., of Camillus, (now of Syracuse,) New York. Although admitted to the bar, I am not aware that he ever entered upon the practice of his profession, his taste leading him to agricultural pursuits.

In the spring of 1833, at the age of twenty-four, appreciating the future destiny of the then prosperous Territory of Michigan, he selected it as his home, and settled upon the farm on which he continued to reside until his death. Without money or friends, with nothing but his own strong arm and indomitable will, with his young and interesting wife, he chose to carve for himself, 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 the nation will answer. He was appointed the first justice of the peace, the first postmaster, and the first supervisor in the township. He was elected a member of the House of Representatives of the first Legislature under the State constitution, and was reëlected five successive years; and during those years was three times elected speaker of the House of Representatives. In 1846, he was elected a member of the popular branch of the national Legislature, and reëlected in 1848. A Democrat of the Jeffersonian and Jackson school, and a zealous partisan when the demands of party did not conflict with the maintenance of principle, he won distinction as a warm and persistent advocate of the Democratic doctrine embodied in the "Wilmot proviso." Opposing 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 delighted to do him honor, and was defeated in the nominating convention of his party upon the slavery extension issue. From this date, he became preëminently the people's candidate, repudiated by party leaders, yet proving by the records that he was true to the principles 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, and triumphantly elected. In 1856 he was reëlected by the largest majority ever given to any candidate in the State. So unbounded 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.

Since occupying a seat upon this floor, his course is known to all. You, Senators, will bear record that no member of this body was more highly esteemed for the purity of his life, the soundness of his judgment, and his fidelity to principle. Yet it was neither in the Senate nor the forum that the virtue and abilities of Senator BINGHAM shone with the most resplendent luster. There he was appreciated as the brave and able defender of popular rights, as the champion of free speech and a free government. But in the township, in the neighborhood in which he lived, he was beloved as the kind neighbor and the dispenser of open-handed hospitality. In sickness and in health, equally for the high and the low, the rich and the poor, he was ever solicitous and considerate. The widow and the fatherless found in him both sympathy and counsel.

Upon the family circle of his own home this blow has fallen with crushing weight. To a gentle, loving wife and two sons, the loss is irreparable. From the desolated hearthstone I will not attempt to raise the vail of grief. A loving hus-

The VICE PRESIDENT. The Senator from Michigan, with the unanimous consent of the Senate, may withdraw the call for the yeas and nays. Is there any objection? The Chair hears none.

The resolution, as modified, was agreed to.

EXPULSION OF A SENATOR.

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

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

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

*Resolved*, That WALDO P. JOHNSON, a Senator from the State of Missouri, by his sympathy with, and participation in, the rebellion against the Government of the United States, has been guilty of conduct incompatible with his duty and station as a Senator; and that he be therefor, and hereby is, expelled from the Senate of the United States.

Mr. FOOT. Mr. President, I believe it is a matter of public notoriety that Mr. JOHNSON, a Senator from Missouri, is in sympathy and in direct complicity with the secessionists of his own and other southern States. I am informed in fact, from a reliable source, by a gentleman of high position, character, and standing, residing in St. Louis, that Mr. JOHNSON is at this time in commission and in command in the rebel army. As further evidence of his sympathy and coöperation with the rebellion against the Government, I will ask the Clerk to read an extract from a speech made by Mr. JOHNSON some time ago in the State of Missouri, and published in the St. Louis News, which, I think, will settle the question to the satisfaction of every member of the body.

The Secretary read, as follows:

[From the St. Louis Evening News, May 24.]

*Secession Speech of Judge Johnson.—Feeling in the Southwest.*

STOCKTON, MISSOURI, *May* 1, 1861.

Judge JOHNSON spoke at this place yesterday. He said the honor and safety of Missouri demanded her speedy union with the southern confederacy. She would never degrade herself by tolerating an "*armed neutrality.*" But for the influence of States that hung out blue lights for the enemy in the Revolution, Maryland would never aid in the subjugation of her sister slave States. Governor Hicks, who is a *quasi* friend of Lincoln, would force Maryland into a fratricidal war with her friends. In view of the corruption that pervades every department of the Federal Government, and the fact that it is controlled by inveterate enemies of southern institutions, he hoped that no citizen of Cedar county was so degraded, so lost to honor and everything that was noble, as to cast his vote against an ordinance of secession. *Not to be a secessionist is to be a disgraceful advocate of negro equality;* and if a man was present who entertained such a principle, he wanted him to hold his head up that his ambrotype might be taken and sent throughout the land with the inscription, "*A man with a white skin, but has a nigger's heart.*" The citizens of Cedar had always sustained him, (?) and had aided in placing him in the responsible position of United States Senator—the next highest office in the gift of the American people; and this mark of respect induced him to believe that they would continue to sustain him.

Fellow-citizens, rally to the rescue of your adopted State from Black Republicanism. Lay your hands on your hearts, and vote for an ordinance of secession. I know you are not in favor of regarding the woolly-headed, thick-lipped, ivory-toothed, black "nigger" as your equal. Do not take the position of "*policy*" Orr. *No, never!* The gentleman by my side (alluding, I suppose, to Colonel Crawford, who preceded him with a strong secession speech) told me he was glad a good Democratic vote killed his when he voted for Orr. If a man was present who voted for Orr, he *invoked God to pardon the dreadful crime.* Governor Jackson had elicited the admiration of every patriot by his patriotic conduct in refusing to respond to the requisition of Lincoln. He favored the passage, by the Legislature, of an ordinance of secession, and submitting it to the people for ratification.

His speech was enthusiastically received by secessionists; but by the Union men, it was received with indignation. Mr. JOHNSON observing this, observed that he did not intend his language as personal. He would wound the feelings of no man. He considered every man a friend of the South, and willing to fight for her until, by words or actions, he expressed himself otherwise. Z.

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 for the expulsion 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 good 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 expel a member from this body without, at least, some evidence that he has been guilty of something unbecoming the character of a Senator. I do not know myself, and have no reason to know, whether Judge JOHNSON has done anything disloyal to the Government or not. All I can say is, that while he was in the Senate of the United States sitting among us here, I do not believe there was a Senator upon this floor that ever heard him utter a word of approval either of the contemplated secession of his own State or of the secession of any other State from the Union; and the only evidence now furnished to the Senate for his expulsion seems to be rumor, or what is worse, that which is contained in a letter said to have been published in a paper in Missouri. Sir, it may turn out that these rumors and these statements are not true; and then the Senate of the United States would have expelled perhaps an innocent man. I move the reference of the resolution to the Committee on the Judiciary, to inquire whether Judge JOHNSON has been guilty of any act of disloyalty to the Government of the United States, or unbecoming a Senator.

Mr. FOOT. I shall interpose no objection to the reference of this resolution for inquiry as to the facts upon which it is predicated. The evidence is satisfactory to my mind; if it is not to that of other Senators, I have no objection to the reference.

Mr. McDOUGALL. Mr. President, for all my purposes, the statement of the Senator from Vermont is satisfactory and sufficient evidence; but this is a grave matter, and a record should be made of the causes that impel our action. I would suggest, therefore, that the subject be referred to a select committee, of which the Senator from Vermont shall be chairman. I think it would be better, when we undertake to expel a Senator from this floor, that it should be done in exact form, and for special reasons properly presented. It does not belong to the Judiciary Committee; I think it belongs to a special committee. I should like to see the Senator from Vermont chairman of that committee; I wish to have no participation in it myself. I can say to the gentleman, however—and I will say it now—that at the last session, before the adjournment in August, I thought that Mr. JOHNSON discoursed treason here on this floor. I expressed that opinion to gentlemen, although I had no occasion to present it for the consideration of the Senate. I move a reference of the resolution to a select committee, with the understanding that I do not seek a place on that committee.

The VICE PRESIDENT. The first question will be on the reference to a standing committee. That failing, the Senator's motion will be in order to refer to a select committee.

Mr. HARRIS. I hope that this motion to refer will not prevail. I can see no good to flow from it. I believe that every Senator present is prepared to vote upon the main question. I suppose there is information enough in reference to the present position of the Senator named in the resolution, to enable every Senator to make up a satisfactory judgment as to his present condition.

Mr. McDOUGALL. Will the Senator allow me? My motive is only to make up the record here. The Senator from New York understands all about records. I think our record would be more deliberately made up if we acted upon the report of a committee.

Mr. HARRIS. It is generally understood, no one doubts the fact, that this gentleman is now an officer in the rebel army. It has been repeatedly stated in the public prints, and never contradicted. Here is the report of a speech, in perfect correspondence with that——

Mr. McDOUGALL. Allow me to say to the Senator that I do not know that Mr. JOHNSON holds an office in the rebel army. I know what his conduct was on this floor, but since that time I have not been informed in regard to him.

Mr. HARRIS. Here is the report of a speech made by him, in perfect accordance with his position as it is now understood. Suppose, sir, this reference should prevail, and this resolution should be sent to the Judiciary or any other Committee, what will that committee be able to do? They will simply report back the state of facts which is perfectly well understood by the Senate now. It is evident that the Judiciary Committee can give no new light to the Senate on this subject. The question will be returned by the Judiciary Committee for the Senate to pass upon it just as it stands. I am opposed, therefore, to a reference. I can see no positive good that will result from it; on the contrary, I think I can see some embarrassment to result from it.

Mr. SAULSBURY. The resolution offered by the Senator from Vermont is perfectly unexceptionable if its statements be correct. If Mr. JOHNSON has been guilty of any act disloyal to the Government, I for one am prepared to vote for his expulsion; and I am ready to vote for the expulsion of any other Senator who has been guilty of like conduct. My object is not to shield Mr. JOHNSON. To-day, for the first time, I have heard that he is an officer in the rebel army. I never heard it until this morning. I never heard of that speech until it was read from the desk by the Secretary. We all know how easy it is for letter-writers to cast abroad throughout the country charges of disloyalty against men who are much more loyal than themselves. Why, sir, a similar accusation was made against a late Senator on this floor that he, too, was leading a regiment of rebels in Missouri; and yet there was not one word of truth in it. It may turn out that Mr. JOHNSON, who, until very recently, I understand, was sojourning with his family in Western Virginia, is just as innocent as any Senator on this floor. There has not been one particle of evidence presented to the Senate of the disloyalty of this gentleman. You would not convict the meanest free negro in the United States of any offense in any court upon such testimony as this; and yet, sir, it is proposed by the solemn action of the Senate to expel a member from this body upon less evidence than you would require to convict the humblest person within the limits of the United States of any offense against any law. My object is not to shield Mr. JOHNSON if he has been guilty of any act unbecoming a Senator, if he has done any disloyal act; but to expel Senators upon rumor, upon accusations lightly made, and without the power on the part of the accused of disproving them, is certainly a novel, and it may become a very dangerous exercise of power. These things are to become precedents; and hereafter, in the revolutions of political parties, it may be said that some Senator entertains a wrong sympathy or has done some act disqualifying him for a seat on this floor, and your record will be referred to as an example of the very slight causes which have heretofore influenced the Senate of the United States in the exercise of this high, but very delicate and responsible power.

Mr. FOOT. Let the resolution be referred.

The VICE PRESIDENT. The question is on the motion to refer the resolution to the Committee on the Judiciary, with the instructions designated by the Senator from Delaware.

Mr. TEN EYCK. I understand that the position of the Senator from Missouri is well known to the country at large, through the ordinary channels of public communications. If I recollect aright, it is stated that as early as May last Senator JOHNSON delivered the speech that was attributed to him, and that speech found its way into the public newspapers. I understand also that it is publicly declared that he is a leader in the rebel army.

These facts thus declared, without contradiction on the part of any one, are sufficient to influence my vote. Were he a true and loyal man, he would have been the first man here at the first hour of the commencement of this session, to give the lie to so foul a charge. He is not here; nor has he a friend to answer or speak for him. The Senator from Delaware says you would not convict a person of the smallest charge before a jury upon evidence like this. Sir, we are not now before a jury trying a jury cause; we are not now before a jury of twelve men to settle a matter of dollars and cents; but we are before a jury of our countrymen and the world at large, and we are called upon to respond whether we will deliberate and investigate with the nice technical accuracy of a petit-jury trial upon a question of this kind. The evidence of the publication, the evidence of the public rumor, the evidence of the want of contradiction, the evidence furnished by his absence upon an occasion when his innocence would have spontaneously caused him to be here at the earliest moment, is satisfactory to my mind.

Nor do I believe it can ever become a precedent, as the Senator from Delaware supposes. I trust in God's name there never will be an occasion for which this will furnish a precedent. I trust we

shall never have a rebellion flaunting its flag over one third of the area of this country in 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 this will be a precedent to eject from this Chamber, or the Chamber of the other branch of Congress, any man who for months has had an aspersion of this kind uttered against his character, and neither appears himself to deny it, nor sends 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 myself and the Senator from Vermont, or the Senator from New Jersey; but I do think that it becomes the Senate, in transacting this grave business, to do it with regard to some rule. There is no occasion certainly for haste. There is, I think, no dispute about the facts. I will undertake to presume to correct the Senator from New Jersey. We are not before a jury of our country; we are the jury ourselves, and we have got to enter our conclusion on the record, and we want the proper facts before us, in proper form. If the Senate cannot take the trouble to make a proper record, in the proper form, on the grave matter of determining whether a man has been guilty of treason, and therefore unfit to occupy a place on this floor; if we cannot take time to inquire into that and place it on record, the haste must be great, the enemy must, indeed, be at our gate. I have no doubt about the sufficiency of the testimony in this case. I had no doubt, as Senators know, upon the same question during the extra session of Congress, and I proposed to move in the matter then; but I would then have sought to do it formally, so that the record should be made up properly, for it is a precedent, and in the course of time we do not know how many occasions there may be to invoke it on one side or the other. I say, therefore, that wisdom indicates that this proceeding should be done with form, and that the facts should be reported to the Senate from some committee. I take the statement of the Senator from Vermont as satisfactory to me; but I want it made so that it shall be recorded properly for the country. I want a report from some committee, saying that these things are true, and that therefore the resolution should pass.

The VICE PRESIDENT. The question is on the motion of the Senator from Delaware to refer this resolution to the Committee on the Judiciary, with the instructions indicated by him.

The motion was agreed to.

ADJOURNMENT TO MONDAY.

On motion of Mr. HALE, it was

*Ordered*, That when the Senate adjourn to-day, it be to meet on Monday next.

REFERENCE OF THE MESSAGE.

Mr. JOHNSON, of Tennessee. I move that so much of the President's message as relates to the construction of a railroad from some point in Kentucky, to touch the railroad running through Eastern Tennessee, and thence to North Carolina, be referred to a select committee of three, to be appointed by the President of this body. I presume there will be no objection to this motion.

The motion was agreed to.

EFFICIENCY OF THE NAVY.

The hour having arrived for the consideration of the special order of the day, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 82) to further promote the efficiency of the Navy.

It provides that whenever the name of any naval officer now in the service, or who may hereafter be in the service of the United States, shall have been borne on the Naval Register forty years, he shall be retired from active service, and his name entered on the retired list of officers of the grade to which he belonged at the time of his retirement; and the President may assign any such retired officer to shore duty, he receiving the full shore pay of his grade while so employed.

It further proposes to authorize the President to detail from the retired list of the Navy for the command of squadrons and single ships such officers as he may believe the good of the service requires to be thus placed in command; and such officers may, if upon the recommendation of the President of the United States they receive a vote of thanks of Congress for their services and gallantry in action against an enemy, be restored to the active list, and not otherwise. The President is also to have authority to select any officer for the grades of captain or commander in the Navy, and assign him to the command of a squadron with the rank and title of a "flag officer;" and any officer thus assigned is to have the same authority and receive the same obedience from the commanders of ships in his squadron holding commissions of an older date than his, that he would be entitled to receive were his commission the oldest.

It further authorizes the Secretary of the Navy to cause two hundred "medals of honor" to be prepared, with suitable emblematic devices, to be bestowed upon such petty officers, seamen, landsmen, and marines, as shall most distinguish themselves by their gallantry in action and other seamanlike qualities during the present war; and the sum of $1,000 is proposed to be appropriated for this purpose. The bill also declares that the hours of labor in the navy-yards of the United States shall be the same as in the private ship-yards at the post where a navy-yard is established, and the wages to be paid to employés in the yards shall be the average price paid to employés in private ship-yards in the same vicinity.

The Committee on Naval Affairs reported the bill with certain amendments. The first amendment of the committee was in line two, of section three, to insert after the word "States," the words "by and with the advice and consent of the Senate," so that it will read:

SEC. 3. *And be it further enacted*, That the President of the United States, by and with the advice and consent of the Senate, shall have the authority to detail from the retired list of the Navy for the command of squadrons and single ships such officers as he may believe that the good of the service requires to be thus placed in command, &c.

The amendment was agreed to.

The next amendment of the committee was in line four, of section eight, after the word "to," to insert the word "all."

The amendment was agreed to.

The next amendment of the committee was in line five, of the same section, after the words "shall be," to insert the words "as near as may be."

The amendment was agreed to

The next amendment of the committee was in line six, of the same section, to insert, after the word "employés," the words "of the same grade."

The amendment was agreed to.

The next amendment of the committee was to add, at the end of the same section, the following words: "to be determined by the commandant of the navy-yard."

The amendment was agreed to.

Section eight, as amended, reads as follows:

SEC. 8. *And be it further enacted*, That the hours of labor in the navy-yards of the United States shall be the same as in the private ship-yards at the port where such navy-yard is established, and the wages to be paid to all employés in such yards shall be, as near as may be, the average price paid to employés of the same grade in private ship-yards in the same vicinity, to be determined by the commandant of the navy-yard.

Mr. GRIMES. There are two or three typographical errors that need correction. In the third line of the fourth section, the word "for" should be "from;" so as to read:

That the President of the United States shall have authority to select any officer from the grades of captains, &c.

The VICE PRESIDENT. That correction will be made if there is no objection. The Chair hears none.

Mr. GRIMES. In the third line of the fifth section, the word "this" should be "their;" so that it will read:

That all officers retired under the provisions of this act shall receive the retired pay of their grade.

The VICE PRESIDENT. That modification will be made if there is no objection. The Chair hears none.

Mr. GRIMES. Mr. President, the necessity of a reform in the Navy, by which young, active, enterprising officers shall be substituted for the old and unseaworthy, seems to be admitted by all. The experience of every naval service in the world shows that old officers, however valuable they may be for counsel and for shore duty, are generally incompetent to perform the arduous duties of a captain or commander of a fleet in times of active hostilities. In times of peace, when their ships have the full complement of a captain, lieutenants, masters, passed midshipmen, and midshipmen, and when their duty does not require them to appear upon deck except when the sun shines and the sea is smooth, these old gentlemen may fulfill all of the purposes of their office; but in times like these, when the line of the service is so reduced that but one lieutenant can be allowed to a ship, instead of five or six, as formerly, it is not reasonable to expect that they can endure all the privations and hardships that their positions as commanders would demand of them. More is required of a naval than of a military commander. The naval officer must contend against the elements as well as against the public enemy. His command is always, to a great extent, independent of others; and he must rely, in a great measure, upon his own ship for his means of attack and defense. He must be a thorough sailor, a skillful navigator and gunner; he must have enterprise and courage; he must have the power to inspire his crew with confidence; and in order to have these qualifications, he must have a clear head and a sound body. Some old officers possess all of these qualities in an eminent degree, and such will be recalled to the service. The country cannot spare any man who is really fit for efficient, active duty; and therefore this bill makes provision for the restoration of such. But there are many who tread the deck with a feeble step, and the country requires that all such should give place to younger men. Their claims, based upon long-continued service, must give way before the necessities of the country.

This bill proposes to retire all persons who have been in the service more than forty years, upon the annual pay of $1,738 each, thus disposing of all the captains in the service. Their present leave or waiting orders pay is $3,000 each; the diminution of expenses will therefore be to the Government $1,268 for each captain who may not hereafter be assigned to duty, either ashore or afloat. Some of the captains who will be retired under the first section of the bill are very competent officers, and will doubtless be immediately assigned to duty again; while a large majority of them are believed to be incompetent for the arduous duties of the blockade. If so, and the chief of the Department must judge of that, it is obviously unjust that they should be quietly and safely drawing their large pay of $3,000 a year at home, while their juniors in rank, and receiving a much smaller pay, shall be performing all the service afloat.

The second and third sections of the bill provide for the temporary restoration and employment of such old officers as may be deemed qualified for duty, with the full pay of their respective ranks; and the third section contains a provision that any one of them who, upon the recommendation of the President, shall receive a vote of the thanks of Congress for gallantry in action, may be restored to the active list. This provision was intended as an incentive to deeds of noble daring, and as a reward for their performance.

The fourth section declares that the President may select any officer from the grades of captain and commander, and assign him to the command of a squadron, with the rank and title of "flag officer," and requires obedience to his orders on the part of commanders of vessels in his squadron the dates of whose commissions are older than his. As the law now stands, seniority confers rank. The officer holding the oldest commission in a squadron commands it. Under the present rule, if it is believed that an officer holding a younger commission than others in a squadron is the proper person to command it, and it is known that the senior officers are perfectly competent to command their ships; yet, in order to secure the proper man to command the squadron, all these senior officers must be detached from their ships, and officers junior to the flag officer put in command of them, and thus the country deprived of the services of many valuable commanders of ships. The present law proceeds upon the idea that all officers are qualified to command squadrons, while the fact is well known that many of them who are excellent yard officers, and skillful commanders of single ships, are perfectly incompetent to command and maneuver a fleet. This section is designed to obviate the difficulty growing out of the present law and the present naval *lex non scripta* on this subject, and

pointment of assessors and collectors under the income tax—to the Committee on Finance.

PROPOSED EXPULSION OF MR. POLK.

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

*Resolved*, That TRUSTEN POLK, of Missouri, now a traitor to the United States, be expelled; and he hereby is expelled from the Senate.

There are one or two other cases like that, which are now pending before the Committee on the Judiciary, and I move the reference of this resolution to the same Committee; but before the vote is taken——

The VICE PRESIDENT. The first question is whether the Senate will consent to the consideration of the resolution to-day. The Chair hears no objection, and the resolution is before the Senate. The question is on referring it to the Committee on the Judiciary.

Mr. SUMNER. Now I wish to have a letter that has been sent to me more than once, several times, by citizens of St. Louis, which appears in the papers there, read.

The Secretary read, as follows:

"SENATOR POLK.—The public have been under the impression for some time that TRUSTEN POLK, one of the Senators from this State, was at Washington; not in the performance of his duties, but still there. The telegraph so stated without any reservation. But we infer from a dispatch to the New York Times of the 12th, that such was not the fact. That dispatch says:

"'Hon. TRUSTEN POLK, of Missouri, is expected daily in Washington, to resume his seat in the United States Senate. He will be confronted by the following letter, written by him to one P. S. Wilkes, just before the battle of Wilson's Creek. Wilkes was editing a secession paper in Southwest Missouri. Nothing else will be needed to secure POLK's expulsion as a traitor:

"'DEAR SIR: Above I send my check to you for the Equal Rights Gazette. It is all I can do, and I could not do even that much until now. You have heard of the difficulty that the Bulletin has fallen into. I have had to "ante up" there at the rate of $200. I hope the friends there have made arrangements which will insure the permanence of the paper. It has been and is doing good service. I have made a speech (yesterday) on the state of affairs, southern rights, and the position of Missouri, present and future, which I will send you as soon as published in pamphlet for distribution. In the mean time I will send it in slips, and if the Gazette can stand the draft on its columns, and you approve of it, and think it will do good in forming correct public sentiments in Southwest Missouri, please have it published. Dissolution is now a fact; not only a fact accomplished, but thrice repeated. Everything here looks like inevitable and final dissolution. Will Missouri hesitate a moment to go with her southern sisters? I hope not. Please let me hear from you. I would be glad to keep posted as to the condition of things in Southwest Missouri. I like Governor Jackson's position. It looks like adherence to the "Jackson resolutions."

"'I am truly your friend, TRUSTEN POLK.

"'P. S. WILKES, Esq., *Springfield, Mo.*'

"Within a day or two it has been given out that Governor POLK, instead of making his way to Washington, as was supposed, took a decidedly southern direction; that guides were employed to take him in the direction of New Madrid, and that by this time he is in the southern confederacy. It is not at all unlikely."

Mr. SAULSBURY. I do not rise for the purpose of opposing the motion to refer the resolution to the Committee on the Judiciary, and I would not have said a word had it not been for the introduction of that letter. I believe, although that paper has appeared generally in the press of the country, that it is not a genuine letter, and so will everybody believe who is acquainted with TRUSTEN POLK. He is a native of my own State; from early boyhood he has been an exemplary Christian, a member of a religious denomination; and when the phrase is used in that letter, professing to have been written by TRUSTEN POLK, that he had to "ante up $200," I am satisfied the language is not the language of TRUSTEN POLK. He is not familiar with scenes where hundreds of dollars are "anted up," and those in the State of Delaware who have known him for years, as well as those who reside in the State of Missouri, will give no credit whatever to the genuineness of that letter until there shall be some proof before the Senate or before the committee that it is genuine.

Mr. SUMNER. I do not pretend to express an opinion on the genuineness of the letter. I have seen it in several newspapers, and my attention has been especially called to it by several correspondents in Missouri, who have stated that its genuineness cannot be questioned. If I understand the Senator from Delaware, his argument against the genuineness of the letter is, that there is a phrase in that letter which he thinks TRUSTEN POLK could never have written—a phrase of doubtful style or doubtful grammar. I do not make any question on that point. I am not familiar enough with TRUSTEN POLK to be a judge of his style; nor is the Senate here to sit in judgment on his style; but it is to sit in judgment on his public conduct; and if that letter is genuine, there can be no question what will be the duty of this body. Believing that the inquiry is important; believing that it is the duty of this body to purge itself of the traitors who have too long found a sanctuary here; believing that the country requires it, and justly expects it at our hands, I have felt it my duty to introduce the resolution. The Senate, I believe, have heard, too, that within a few days this person has found his way to Memphis. Why is he at Memphis, when he should be at Washington?

Mr. SAULSBURY. I know nothing, Mr. President, about the location of TRUSTEN POLK. I know nothing of the acts which he may or may not have committed of disloyalty to the Government. If he has been guilty of any act of disloyalty to the Government, such as would require his expulsion from this body, I have no objection to his expulsion from the Senate, but I myself would vote—however much I have esteemed him heretofore—for his expulsion. But, sir, when a letter is introduced to make the impression on this body that he has been guilty of disloyalty to the Government, which letter bears internal evidence that it is not his—not from any fault of grammar, or perhaps of style, but from fault of morals, using language which is used in scenes and places not familiar to TRUSTEN POLK—those who have been his personal friends have a right to proclaim their want of belief in the genuineness of the letter. I was not opposing the reference of the resolution to the Judiciary Committee. It is a very proper reference, and I am perfectly willing for the Senator to go on, and purge the body of all the traitors that are in it. I make no objection to that, if he can find them, or if they are here, or if they have been here. But, sir, injustice ought not to be done to the private character of any gentleman, simply because a popular clamor may have been raised against him, and simply because he may not be in his seat to defend himself. There may be very good reasons why TRUSTEN POLK is not here, unconnected altogether with any views which he may entertain upon the present troubles of the country.

Mr. BAYARD. The motion before the Senate I believe is, to refer the resolution to the Committee on the Judiciary. I have not the slightest objection to that motion; I think it is the proper course for the resolution to take; but I might as well state now the view that I take of this question. I have no doubt whatever that if Mr. POLK, being a Senator of the United States, has gone into the confederate States, it would be sufficient ground for the Senate to expel him from a seat in this body; but I am unwilling to act upon a mere rumor. The committee may make inquiry. The fact is certainly susceptible of satisfactory proof. The mere statements of newspapers, we all know, cannot be and ought not to be relied upon for the purpose of affecting the action of this body. On a reference to a committee, the fact may be ascertained. The fact itself of going out of the reach of the process of the Senate of the United States, and into States which are now at war with the United States, would be sufficient, in my judgment, to justify the expulsion. But suppose the fact should turn out to be that Mr. POLK is still within your jurisdiction—shall I say within the reach of your process—then, in my judgment, you would be bound at least to give him a hearing, and the further question might arise, if you meant to expel him on account of treason, whether the action ought not to be by the House of Representatives, originating an impeachment and bringing it before you, sitting as a judicial body. Then the effect of your sentence would be not merely to remove him from his present seat, but to incapacitate him hereafter from holding any office of honor, trust, or profit under the United States. If he is within reach of your process, where your courts are open, that is the appropriate course to be taken; if he is not, if he has gone beyond the reach of that process, then I admit that the Senate, having the absolute power of control over its own members by a vote of two thirds, the fact of a Senator going into States which are at open war with the United States, under such circumstances, would justify his expulsion by the Senate of the United States. These are my views. I want the facts ascertained, though, and I think the reference is proper, for the purpose of getting at them.

Mr. BROWNING. It is, perhaps, proper that I should state, as some question is made about the genuineness of this letter, that a similar copy to the one presented by the Senator from Massachusetts has been transmitted to me by three or four different persons of St. Louis, Missouri. I know nothing of the genuineness of the letter myself; but one gentleman of as high character, standing, and intelligence as any in St. Louis, who inclosed a copy of the letter to me, assured me that its genuineness was beyond all doubt or question, and that he hoped to be able in a few days to transmit the original; that it was in St. Louis, and he was endeavoring to get it.

The VICE PRESIDENT. The question is on the motion to refer the resolution to the Committee on the Judiciary.

The motion was agreed to.

PACIFIC RAILROAD SURVEYS.

Mr. ANTHONY. I am instructed by the Committee on Printing, to whom was referred a resolution in relation to the correction and publication of certain maps showing certain surveys of the Pacific railroad, to report the same back with an amendment, and recommend its passage as amended. I am also instructed to ask for its present consideration.

The VICE PRESIDENT. Is there any objection to considering the report at the present time? The Chair hears none. The Secretary will read the report.

The Secretary read it. The original resolution, as introduced by Mr. McDOUGALL on Monday last, was as follows:

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

The Committee on Printing reported the resolution, with an amendment to strike out all after the word "Resolved," and insert the following in lieu thereof:

That there be appropriated out of the contingent fund of the Senate the sum of $650, $500 of which, or so much thereof as may be necessary, to be expended under the direction of the Bureau of Topographical Engineers for making the alteration and correction of the engraved plate of the Territory and military department of Utah belonging to the bureau, and the printing of one thousand copies of the map; also $150, or so much thereof as may be necessary, under the direction of the Superintendent of Public Printing, for printing the same number of copies of the upper half of the general map of the territory of the United States prepared by the War Department, showing the Pacific railroad surveys.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

Mr. HALE. I would be obliged to the chairman of the committee who reported this resolution, if he would give us the reason for paying this money out of the contingent fund of the Senate. It seems to me a general appropriation ought to come out of the general fund; but I will hear the chairman on that point.

Mr. ANTHONY. I have no objection to a modification of the resolution in that form. The resolution was drawn in that way when it was sent to the committee, and they did not alter it.

Mr. HALE. I have nothing to say about it, but I am a little unwilling to tax the contingent fund of the Senate with an appropriation which, it seems to me, should come from the Treasury.

Mr. ANTHONY. The Senator can move to amend it.

Mr. HALE. Then I move to strike out that portion which makes the appropriation from the contingent fund of the Senate.

The VICE PRESIDENT. If the Chair may be permitted, all printing ordered by the Senate is paid for out of the contingent fund of the Senate.

Mr. HALE. Very well; then I have not a word to say.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. DIXON. I ask for the reading of the amendment and the resolution.

The Secretary again read them

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 Tidionte, Pennsylvania, praying the total abolition of slavery throughout the country; which was referred to the Committee on the Judiciary.

Mr. WILKINSON presented two petitions of citizens of Minnesota, praying the total abolition of slavery throughout the country; which were referred to the Committee on the Judiciary.

Mr. HOWE presented four petitions of the citizens of Wisconsin, praying that some point on Fox river, between Lake Winnebago and Green Bay, in that State, may be selected as a site for a national armory and foundery; which were referred to the Committee on Military Affairs and the Militia.

He also presented a memorial of the Fox and Wisconsin Improvement Company, tendering to Government land and water power on the lower 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, Illinois; 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) granting public lands in alternate sections to the State of California, to aid in the construction of certain railroads in said State; which was read twice by 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:

*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, 1861, entitled "An act to increase the consular representation of the United States during the present insurrection," and to what place appointed; also, that he furnish to the Senate a statement showing what increase has been made to the compensation of consuls in foreign ports, to what consuls, and at what ports.

The resolution was agreed to.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. MORRIS, Chief Clerk, announced that the Speaker of the House of Representatives had signed an enrolled joint resolution (H. R. No. 26) explanatory of the act entitled "An act to increase the duties on tea, coffee, and sugar," approved 24th December, 1861; which thereupon received the signature of the Vice President.

PERSONAL EXPLANATION.

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

The Secretary read as follows:

"The Senate has been engaged to-day in discussing a very profitless subject, namely, whether Senator LANE was a brigadier general at the last session of Congress, and whether Mr. Stanton could have legally been considered his successor at that session, when every Senator knows that the whole matter has been settled by the formal nomination of LANE to the Senate at this session as a brigadier general, and that he has sent his resignation as Senator to the Kansas Legislature. The Senators seem to be engaged in discussing a dead horse, instead of meeting the live question immediately before them—whether the regular appointee of Governor Robinson shall have his seat, or whether they will be able to stave Stanton off to please LANE until the Kansas Legislature meets next week, when it is hoped by the friends of LANE that the legislative machinery of Kansas will secure the reëlection of the latter, or one of his friends. This is a small business for the Senate of the United States."

Mr. LANE, of Kansas. Mr. President, I desire to state to the Senate that, having the evidence of Colonel Weer now ready to be laid before the body, I am very anxious that the vote shall be taken upon the question, and it is not true that I desire to postpone action. The Legislature of Kansas meets in regular session next Tuesday, and I earnestly desire the vote taken before that day. I have not tendered my resignation to the Governor or Legislature of Kansas, nor have I accepted the brigadier generalship lately tendered to me by the President and Senate; nor do I intend to accept it until I have formally resigned my seat in this body, of which this body will have full notice.

I desire to say one other thing, Mr. President. I have no personal hostility towards my contestant except that which arises from the attempt to declare my seat here vacant four days after I took it. It is natural, of course, that I should have some feeling; but I have endeavored to bear myself in this contest so as not to exhibit it to the Senate or to any one else.

EXPULSION OF SENATORS.

Mr. TRUMBULL. I move that the Senate now proceed to the consideration of the resolution reported back by the Committee on the Judiciary yesterday for the expulsion from the Senate of WALDO P. JOHNSON, a Senator from the State of Missouri.

Mr. WILSON. I move that the consideration of that subject be assigned for two o'clock.

The VICE PRESIDENT. The question now is on the motion of the Senator from Illinois to take up the resolution.

The motion was agreed to; and the Senate proceeded to consider the following resolution, which was submitted by Mr. FOOT, on the 10th day of December last:

*Resolved*, That WALDO P. JOHNSON, a Senator from the State of Missouri, by his sympathy with and participation in the rebellion against the Government of the United States, has been guilty of conduct incompatible with his duty and station as a Senator; and that he be therefore, and hereby is, expelled from the Senate of the United States.

Mr. TRUMBULL. I ask that the report of the committee in reference to Mr. JOHNSON be read; and I will state to the Senate, while I am on my feet, before it is read, that there was no difference of opinion in the committee in regard to this case, and I presume it will take no time. It has been suggested to me that there is not a quorum present, and that, as it requires a two-thirds vote to expel a Senator, it will be necessary to take the question by yeas and nays. I have been noticing the Senate, and I have seen that a number of Senators have been here and have left the Chamber since we have met I think it will be found that, including those in the ante-rooms and about the building, there is a quorum here. I can name several who have been on the floor during the last half hour who are not now in the Senate Chamber, and I think, by the time the report is read, we shall be able to get a quorum.

The Secretary read the report, as follows:

The Committee on the Judiciary, to whom was referred a resolution for the expulsion from the Senate of WALDO P. JOHNSON, a Senator from the State of Missouri, submit the following report:

Previous to his election to the Senate, Mr. JOHNSON was known, in Missouri, as entertaining secession proclivities, and to sympathize and coöperate with the prominent citizens of that State who are now in open rebellion against the Government. He was elected to the Senate by a Legislature which has since sought to array the State against the Union. Since his election he is reported to have made a speech evincing a spirit hostile to the Government, which speech was extensively published in the State of Missouri without public contradiction from him. He has not appeared in his seat in the Senate since the session began; and though the resolution for his expulsion was proposed in the Senate on the 10th day of December, and referred to this committee on the 12th day of December, 1861, and has been extensively published in Missouri and other parts of the Union, the said JOHNSON has wholly failed to furnish any reason for his absence, or explanation of the charges of disloyalty urged against him.

The failure of said JOHNSON for so long a period to appear in his place to discharge the high duties incumbent upon him for the preservation of the Republic in this time of rebellion against its authority, and his silence under the imputations upon his loyalty, which, from their publicity, could not have escaped his notice if within a loyal portion of the Union, of themselves furnish strong presumptive grounds against his fidelity to the Government.

His whereabouts at this time the committee have been unable, with actual certainty, to ascertain. They are satisfied that, had he been so disposed, there was nothing to prevent his attendance on the Senate at its commencement; and when last heard from, he was reported to have gone voluntarily within the lines of rebels in arms against the Government.

Under these circumstances, the committee are of the opinion that he ought to be expelled from the body, and they accordingly report the resolution back to the Senate, with a recommendation that it do pass.

Mr. BAYARD. I think it but right to the Senate to state the ground on which I concede that this resolution ought to pass. For my own part I have read too much of the past history of the world to condemn men merely for opinions, however widely they may differ from my own; but acts are another thing. The evidence in this case satisfied me that Mr. JOHNSON had left the United States clandestinely, and that every rational presumption was that he had gone to the confederate States, who now are at open war with the United States. Under these circumstances, I have no hesitation in giving my vote for his expulsion as a member of this body.

Mr. POWELL. I merely wish to remark to the Senate that I was controlled in committee by the very reasons which have been stated by the Senator from Delaware, and shall govern my vote accordingly.

The VICE PRESIDENT. Senators will, as their names are called, answer yea——

Mr. TRUMBULL. I inquire whether, by unanimous consent, we cannot dispense with the calling of the yeas and nays.

Mr. POWELL. I think so.

Mr. HALE, Mr. FESSENDEN, and others. Oh, no; it is better to call them.

Mr. TRUMBULL. Senators prefer to have the yeas and nays called, and I shall make no objection.

The question being taken by yeas and nays, resulted—yeas 35, nays 0; as follows:

YEAS—Messrs. Anthony, Bayard, Bright, Browning, Carlile, Chandler, Collamer, Cowan, Davis, Dixon, Fessenden, Foster, Grimes, Hale, Harlan, Harris, Howe, Johnson of Tennessee, King, Lane of Indiana, Lane of Kansas, Morrill, Nesmith, Pomeroy, Powell, Rice, Saulsbury, Sherman, Simmons, Sumner, Ten Eyck, Thomson, Trumbull, Wade, and Wilson—35.

NAYS—0.

So the resolution was agreed to.

Mr. TEN EYCK. I rise for the purpose of moving to call up the resolution reported by the Committee on the Judiciary, yesterday, recommending the expulsion of TRUSTEN POLK from his seat in the Senate.

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

Mr. TEN EYCK. I ask that the report be read. I will merely state that the committee unanimously agreed to the report.

The VICE PRESIDENT. The report will be read.

The Secretary read it, as follows:

The Committee on the Judiciary, to whom was referred the resolution of the Senate for the expulsion of TRUSTEN POLK, a Senator from the State of Missouri, report:

That it appears, to the satisfaction of the committee, that TRUSTEN POLK recently, and since the commencement of the present rebellion, in a letter transmitting pecuniary means to aid in the publication of a secession newspaper in southwestern Missouri, among other disloyal and treasonable expressions, used the following:

"Dissolution is now a fact; not only a fact accomplished but thrice repeated. Everything here looks like inevitable and final dissolution. Will Missouri hesitate a moment to go with her southern sisters? I hope not. Please let me hear from you. I would be glad to keep posted as to the condition of things in southwest Missouri. I like Governor Jackson's position. It looks like adherence to the 'Jackson resolutions.'"

That a copy of this letter was published in full in the Congressional Globe of the 19th of December last, the day after the resolution of expulsion, in this case, was introduced in the Senate, and has, also, both before and since that time, been published and referred to in several other newspapers in Missouri and elsewhere, and widely circulated throughout the country, which publication could hardly have failed to come to the notice of Senator POLK; and yet neither he, nor any other person in his behalf, has appeared before the committee to deny the authenticity of the letter referred to, or attempted in any other way to deny or explain it, so far as the committee are aware—a course of conduct deemed to be wholly incompatible with the idea of his innocence, since an innocent man, in his position, according to the first impulses of a true and loyal heart, would not have suffered a moment to elapse without flying to his place to deny, if false, so grave and foul a charge.

That besides this he has not only failed to appear in his seat during the whole time of the continuance of the present session, now a period of six weeks, to perform his duty to his State and to the Union, on an occasion of the greatest possible urgency, when the votes as well as counsel of every true and loyal Senator were eminently needed in providing for the public welfare and putting down a fierce rebellion, threatening the very existence of the Union, but on the contrary, as the committee are fully satisfied on information derived from reliable official and other sources in Missouri, has left his home in St. Louis and gone clandestinely within the lines of the enemy now in open, armed rebellion against the United States, whose Constitution he, as Senator, has solemnly sworn to support.

The committee, under this state of facts, are of opinion that justice to the Senate, to rid its roll of his name, as well as the Chamber of his presence; justice to the State of Missouri, whose high commission he has dishonored; and justice to the Union, which he has sought to betray, all require that he should no longer continue a member of this body.

They therefore respectfully report the resolution for the

expulsion of TRUSTEN POLK, a Senator from Missouri, back to the Senate, with the unanimous recommendation that the same do pass.

The VICE PRESIDENT. The Secretary will now read the resolution reported by the committee:

The Secretary read, as follows:

*Resolved*, That TRUSTEN POLK, of Missouri, now a traitor to the United States, be expelled; and he hereby is expelled from the Senate.

The question being taken by yeas and nays, resulted—yeas 36, nays 0; as follows:

YEAS—Messrs. Anthony, Bright, Browning, Carlile, Chandler, Collamer, Cowan, Davis, Dixon, Fessenden, Foster, Grimes, Hale, Harlan, Harris, Howe, Johnson, King, Lane of Indiana, Lane of Kansas, Latham, Morrill, Nesmith, Pomeroy, Powell, Rice, Saulsbury, Sherman, Simmons, Sumner, Ten Eyck, Thomson, Trumbull, Wade, Wilkinson, and Wilson—36.

NAYS—0.

So the resolution was agreed to.

NOTIFICATION OF VACANCIES.

Mr. TRUMBULL. In connection with this subject, I ask the adoption of the following order:

*Ordered*, That the Vice President be requested to transmit to the Governor of the State of Missouri copies of the resolutions expelling Waldo P. Johnson and Trusten Polk from the Senate, attested by the Secretary of the Senate.

The order was adopted.

COMMITTEE SERVICE.

Mr. SUMNER. There is a vacancy on the Committee on Foreign Relations now by the expulsion of Trusten Polk, and I move that the Vice President be authorized to fill that vacancy.

The VICE PRESIDENT. That order will be made if there be no objection. The Chair hears none.

The Vice President appointed Mr. DAVIS.

CRIMINAL JUSTICE IN THE DISTRICT.

Mr. GRIMES. I move to take up for consideration the bill (S. No. 137) in regard to the administration of criminal justice in the District of Columbia.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. By this bill all persons who were confined in the jail of the District of Columbia prior to the last term of the criminal court, against whom no indictment was found at that term, are to be entitled to their liberty; and it is to be the duty of the marshal of the District to set all such persons at liberty without expense to them. The judge of the criminal court is to cause an order to be entered on the records of the court before the final adjournment of each term, making a general delivery of all persons confined in the jail before the grand jury for that term were impaneled, and against whom no indictment was found by them, and it will thereupon be the duty of the marshal of the District to set all such suspected and confined persons at liberty.

The Committee on the District of Columbia reported the bill with two amendments. The first amendment of the committee was to insert in the third line of the first section, after the word "persons," the words "except persons held in final judgment," so that it will read:

That all persons, except persons held in final judgment, who were confined in the jail of the District of Columbia prior to the last term of the criminal court, &c.

The amendment was agreed to.

The next amendment of the committee was to insert in the eighth line of the second section, after the word "them," the words "except persons held in final judgment," so that the clause will read:

Making a general delivery of all persons who were confined in the jail of said District before the grand jury for that term were impanelled, and against whom no indictment was found by them, except persons held in final judgment.

The amendment was agreed to.

Mr. POWELL. I desire to offer a further amendment. After the words which have been inserted in both sections, I move to add, "and fugitive slaves." I ask for the yeas and nays on that amendment.

Four Senators rose to second the call for the yeas and nays.

The VICE PRESIDENT. But four members are up, not a sufficient number. Four is not one fifth of a quorum.

Mr. POWELL. I regret very much that we cannot get the yeas and nays on this amendment. The object of this bill in many of its provisions, I dare say, is meritorious; but if the bill should be passed without the amendment I propose, at the end of every criminal court every person will be released from the jail except those against whom an indictment has been found. The necessary consequence will be that every fugitive slave put in that jail will be discharged. I do not think that is right or proper. Certainly while the institution of slavery exists in the surrounding States, I think it would be eminently proper that those persons who are put there as fugitive slaves, merely to be held in custody until their masters claim them, should not be released 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. GRIMES. I am not very fresh in my reading of history; but from my recollection of the descriptions of prisons I have read of, I think that 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 Bastile and the dungeons of Venice. The jail was erected at the expense of the United States Government, a great many years ago, and was designed to accommodate somewhere about forty or fifty persons. When I first visited it a few days before the session of Congress, there were then confined in it two hundred and eighteen persons, "black spirits and white, blue spirits and gray" intermingled, persons of all complexions, of all colors, of all ages, of different sexes, and without any particular classification as to the offenses for which they were committed. A little boy, confined for a trivial offense, who had followed, from his youthful indiscretion, a regiment from the State of Connecticut to this city, was incarcerated in the same cell with three men who were committed upon a charge of murder.

The prison at this time is in much better condition than it was before the especial 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 claimed to be fugitives from service, owned by citizens of the adjacent States, have been removed; but there are at this time, I am told, about one hundred and seventy persons 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, so far as I can learn, here in this District to discharge persons who have been committed upon an alleged offense when the grand jury fails to find a bill against them; and it is one purpose of this bill to make it obligatory upon the court to enter an order of that kind.

When I visited the jail 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 have been here a 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 two men from the State of Maryland, who were born and reared where this boy was born and reared, stated that he was free of their knowledge, for they had known him from the time he was born." I asked the jailor to produce the record of commitment and the *mittimus*, 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. I do not believe it is my duty to vote money, to impose taxes on my 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 may be thrown 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 had written to the magistrate who committed him and to the prosecuting attorney and to sundry other parties in this city, imploring them to inform him for what offense he had been committed; that he was unable to ascertain why he was committed. There had been a session of the grand jury, and still he was there held, and was lying upon a bed of sickness. Upon going to the record, I found that an order 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. It is true, Mr. President, the man was sick, but that was no apology for retaining him in jail. He should have been sent to the almshouse, which we have provided and which we are supporting for the very purpose of receiving persons who may be in his condition.

There was another case there, sir. A young colored fellow, who came as the servant of an officer 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 month.

It is to such cases that I desire this bill to apply. There are other cases, Mr. President. They have here in this District and in Maryland what they call 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 taken up as a fugitive. There are persons in this vicinity, I am credibly informed, who are lying in wait all around your city and the surrounding country, in the hope that they can find some poor colored man or woman who is out picking berries and visiting a friend, and who will wander a little further than the distance established by law from the residence of the master. The moment they can find such a person beyond the limited distance, these harpies pounce upon him or her, and when the master tries to find his servant, 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 jailor's fees, for justice's fees, and for constable's fees, in addition to this apprehension fee.

I do not desire, and I do not think that the Senate desires, or that the country desires, that the Washington jail shall be used for any such purpose. This bill simply declares that when a grand jury adjourns—and there are three sessions each year of the grand jury—there shall be a general jail delivery of *all* persons confined in the jail who have not been indicted by the grand jury, or who are not held there upon final judgment.

Mr. LATHAM. I should like to ask the Senator a question, if he will permit me, as he seems to have had his attention called to this subject. Is there no law upon our statute-book that, when a grand jury meets and adjourns in the District of Columbia, those persons upon whose cases action has not been had shall be discharged? If not, it strikes me that there ought to be a provision of that kind, not only as to the present cases, but as to all future cases. The fact stated by the Senator that men, white or black, can lie in jail thirteen months on a *mittimus*, is certainly a disgrace to our system of jurisprudence—a thing unheard of in any of the States; and it ought not to be heard of in the District of Columbia.

Mr. GRIMES. I concur fully in that sentiment; and it is for that purpose that this bill has been introduced. That is simply what the bill provides—nothing more, nothing less.

The VICE PRESIDENT. The Senator from Iowa will suspend his remarks. The morning hour having expired, the unfinished business of yesterday must be taken up.

Mr. GRIMES. I move that it be postponed until this bill is disposed of.

Mr. PEARCE. I hope the Senator will waive that motion. I want to look into this bill myself. I did not know that it was coming up to-day. I have thought of offering some amendments to it. I shall be obliged to the Senator if he will let it go over. It can come up to-morrow in the usual course.

Mr. GRIMES. Will it be agreeable to the Senator that this bill shall be made the special order for an early day?

Mr. PEARCE. I have not the least objection.

Mr. GRIMES. I move then that it be made the special order for next Tuesday at one o'clock.

The motion was agreed to.