and cherish the rights of mankind. The boom of cannon on the plains of Lexington shook a continent, and bared its breast militantly from the shade of Monticello to the highest pinnacle of earthly glory, to stand forever on that proud pedestal, peerless among men, while intellect Storied from his face; but power, proud and glowing, and fire from his blacksmith's forge, to immortal fame.

The iron ball leasing on the walls of Sumter again shakes a continent, and the genius of history is recording the names of those born not to die. The country's martyrs in this hour of its trial will live forever. Their tombs will be the hearts of the great and good of all time; their monuments the granite hills of a nation rejoicing in freedom. Whether the night of our adversity is to be long or short, there can be no doubt of the final dawn of a glorious day for such is the physical geography of the continent that between the sea and the land there can be but one nationality.

No matter what changes may be wrought in its social organization, its territorial limits will still remain; and the future course of the nation and the hopes of the future have crystallized in the American heart the fixed resolve of "One Union, one country, and one destiny" from ocean to ocean.

No human power can change that destiny, any more than it can stay the tide of the fader of waters as it rolls from the mountains to the sea.

"Freedom's battle, once begun, Requested from bleeding sire to son, Though buffered, is ever won."

Better one war, though it cost doubled lives and untold treasure, than a dismembered Union, with its endless border conflicts and final anarchy and ruin. If the people between the Gulf and the lakes cannot live together in peace as one nation, they certainly cannot as two. This war, then, be it one day or a thousand years, if the last armed rebel is subdued and the flag of our fathers is respected on every foot of American soil.

Gentlemen, invoking you and our common country the blessings of divine Providences, and wishing you each and all a long and happy life, not by remaining unknown to the day, but in sincerity and truth, I declare the House of Representatives of the Thirty-Seventh Congress adjourned sine die.

**SPECIAL SESSION.**

**IN COMMON.**

WEDNESDAY, March 4, 1863.

The Secretary (J. W. FORNEY, Esq.) called the Senate to order, and read the following procuration of the President of the United States:

By the President of the United States, a proclamation.

Whereas objects of interest to the United States require that the Senators from the State of Virginia, in their capacity as members of the Senate of the United States, to convene on the 4th day of March next, to receive and act upon certain communications as may be made to it by the Senate of the United States, pursuant to the 4th section of the act of Congress approved in the 1st session of the 28th Congress, entitled "An act to provide for the appointment of a committee to consider the propriety of the admission of certain additional persons to the Senate of the United States;!

Now, therefore, I, ABRAHAM LINCOLN, President of the United States, do hereby reconstitute the Senate of the United States to convene for the transaction of business at the Capitol, in the city of Washington, on the 4th day of March next, at twelve o'clock a.m. on that day, of which all such as shall be at that time be entitled to act as members of the Senate and to vote, unless given under my hand and seal of the United States, at Washington, the 23rd day of February, in the year of our Lord 1862, and of the independence of the United States of America the eighty-sixth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, Secretary of State.

Of the Senators whose terms did not expire on the 31st of March, 1863, three were present--From the State of--

Maine--Hon. William Pitkin, Fortin.
New Hampshire--Hon. Daniel Clark.
 Vermont--Hon. Jacob Collamore.
 Massachusetts--Hon. Henry Wilson.
 Rhode Island--Hon. Henry S. Anthony.
 Connecticut--Hon. Le Roy Stewart.
 New York--Hon. Euclid F. W. Foster.
 New Jersey--Hon. John G. Ten Eyck.
 Pennsylvania--Hon. Edgar Cavanaugh.
 Delaware--Hon. William Smith.
 Maryland--Hon. James W. Fearn.
 Virginia--Hon. John S. Cabell.
 Kentucky--Hon. Garret Davis and Hon. Lewis W. Powell.
 Ohio--Hon. John Sherman.
 Indiana--Hon. Henry S. Lane.
 Illinois--Hon. Andrew A. Richardson and Hon. Lyman Trumbull.
 Michigan--Hon. Jacob M. Howard.
 Wisconsin--Hon. Peter B. Hoag.
 Iowa--Hon. James W. Grimes and Hon. James Harlan.
 Kansas--Hon. James H. Lane and Hon. Samuel C. Domin.
 California--Hon. James A. McDougal.

Ogden--Hon. Benjamin F. Harding and Hon. James W. Nesmith.

Mr. PESSENDEN. Mr. Secretary, in conformity with usage, I offer the following resolution:

Resolved, That the oath of office be administered to Hon. Solomon Foot as Senator from the State of Vermont by Hon. J. A. Garfield, and that he be, and is hereby, admitted as a Senator pro tempore of the Senate.

The Secretary in charge of the resolution and the oath was adopted, etc., etc.

Mr. FORSTER then administered to Mr. Foot the oath to support the Constitution of the United States, and Mr. Foot took the chair as Senator pro tempore.

The PRESIDENT pro tempore, Senators elect, and Senators whose term commences under a re-election at this time will receive the oath of office in the order in which their names will be called by the Secretary.

The Secretary called the names of those Senators whose credentials had been heretofore presented, as follows:

Hon. James A. Bayard, of Delaware.
Hon. James M. Bowden, of Virginia.
Hon. Charles B. Buckalew, of Kentucky.
Hon. Zachariah Chandler, of Michigan.
Hon. James H. Doolittle, of Wisconsin.
Hon. Thomas A. Hendricks, of Indiana.
Hon. Reverdy Johnson, of Maryland.
Hon. L. M. Murlin, of Massachusetts.
Hon. Alexander Ramsey, of Minnesota.
Hon. William Sprague, of Rhode Island.
Hon. Charles F. Sumner, of Massachusetts.
Hon. Benjamin F. Wade, of Ohio.

As their names were called, Mr. Broderick, Mr. Buckalew, Mr. Chandler, Mr. Dixon, Mr. Doolittle, Mr. Johnson, Mr. Morgan, Mr. Morris, Mr. Sprague, and Mr. Wade advanced to the dais, and the President pro tempore administered to each the oath of support. Upon the admission of the Constitution of the United States, and he took his seat in the Senate.

Messrs. Bayard, Hendricks, Ramsey, and Sprague were not present.

Mr. TEN EYCK presented the credentials of Hon. William Wadsworth, appointed by the legislature of N. Y. as a Senator from that State for the term of six years, commencing this day. The credentials were read, and the oath to support the Constitution of the United States was administered to Mr. Wadsworth, and he took his seat in the Senate.

On motion of Mr. WILSON, of Massachusetts, it was ordered, That a committee of three be appointed to wait upon the President of the United States and inform him that the Senate has reconstituted the Senate of the President of the 28th Congress, and that it is ready to proceed to business. He may be pleased to name; and that the President pro tempore, pending the said appointment, may organize the said Senate.

"The President pro tempore appointed Mr. Wilson of Massachusetts, Mr. Howe, and Mr. Nast, the committee.

"PRINCIPOL, March 4, 1863."

The President desired to call the attention of the Senate to the fact that every person elected or appointed to any office, honor or profit under the Government of the United States, elected or appointed by the President of the United States, shall, before entering upon the duties of such office, and before being admitted to any of the emoluments or other compensations thereof, take and subscribe the following oath or affirmation:

"I, , do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof, and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same; that I will respect the Constitution and laws, and that I will support the Constitution of the United States, and take all steps necessary for the defense thereof."

Then follows the oath or affirmation, which I will read:

"I, , do solemnly swear (or affirm) that I have never voluntary borne arms against the United States since I have been a citizen thereof, and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will respect the Constitution and laws, and that I will support the Constitution of the United States, and take all steps necessary for the defense thereof."

As a matter of practice, I apprehended that the appropriate way of doing this would be for the Secretary to draw up the oath, and let it be subscribed and sworn to by each Senator elected after the passage of the act. Of course it applies to those who, for the language is "any person elected or appointed," and I do not know that any motion in regard to it is necessary further than calling the attention of the President pro tempore of the Senate to the law. If a motion be regarded as necessary, I shall move that the Secretary be directed to subscribe and to forward to the President, or to each Senator who has been elected since the passage of the act.

"The President pro tempore. The Chair presumes it is sufficient to call the attention of Senators to that duty, and that that duty will be performed by order of law."
Mr. HICKS. I suppose one oath subscribed by each Senator, as the bill would be introduced, would be sufficient for all, I think.

Mr. FOSTER. I move that until four days after the evening of the beginning of the session, the Senators be given twelve o'clock, meridian, of each day.

The motion was agreed to.

Mr. BLOOMFIELD. As a matter of convenience, one oath would be sufficient for all, I think.

Mr. FOSTER. I move that the Senate adjourn for the evening at twelve o'clock, meridian.

The motion was agreed to; and the Senate adjourned.

IN SENATE.

Mr. ANTHONY. My colleague, Hon. William Sprague, is present, and I ask that the oath of office administered to him.

The usual oath to support the Constitution was administered to Mr. Sprague, and he took his seat in the Senate.

APPOINTMENT OF COMMITTEES.

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

Resolved, That the President pro tempore be authorized to appoint the standing committees of the Senate for this session, and also the members of joint committees.

There being no objection, the Senate proceeded to the selection of the standing committees.

Mr. FESSENDEN. I move to strike out all after the word "resolved," and insert:

That, for the purpose of enacting this session standing committees should be constituted at the last session of the Senate, and that the President pro tempore be authorized to fill vacancies wherever the same may be necessary.

Mr. ANTHONY. I hope the resolution will not be amended. It is in the usual form that has always been adopted.

Mr. FESSENDEN. There is nothing binding about the form. Because it happened to be the form on another occasion, there is no reason why it should not be used now. I am aware that my amendment is not a very important one, but I am confident that the Senate will see how the President pro tempore will discharge his duties. The resolution contains no such provision as the Senate desires. For many reasons, the purpose of enacting the ideas presented have on the subject, and expressing so far as it can be expressed on the face of the paper the distinct understanding as it exists, I think the amendment I propose is very much better (being the same in substance) than the resolution as proposed by the Senator from Rhode Island.

Mr. ANTHONY. I hope the resolution will pass as it was offered. If the Senator from Maine wishes to make the amendment, I shall ask for the yeas and nays.

Mr. FESSENDEN. I have no objection.

Mr. ANTHONY. Mr. Speaker, I hope the Senate will not be in a hurry to know from the Senator from Rhode Island if he means to confine the resolution to this extra session alone.

Mr. ANTHONY. Undoubtedly. The committees can only be appointed for this session, and I suppose that in enacting this resolution which is for the convenience of the Senate, I intend that it shall only apply to this session. I presume there can be no doubt that the committees were appointed in the way in which they were appointed by the Senate from Maine, which is the proper way, the natural and obvious way, and I see no sufficient reason for altering the resolution in a different form from that in which it has always passed before.

Mr. SMYRAN. If the resolution of the honorable Senator from Rhode Island shall pass, it will be in the usual form, and the usual course will be pursued hereafter, and the committees of the last Congress, with the changes made, will be continued at the next session of Congress.

Mr. DOOLITTLE. What about my oath? I want, by some course of the language, to show that the committees that are now organized shall not continue at the next session. In my judgment this resolution is not complete, and I would not consent to either of the resolutions proposed, but that the resolution of the last Congress shall be continued at the next session, which resolution the committees are to continue only for the present session, and that the next session of Congress shall not organize any new committees. This is the sense of the Senate. I shall vote for the amendment offered by the Senator from Maine.

Mr. FESSENDEN. There are several objections to the resolution, and it implies that the President pro tempore is to appoint the committees, that he is to exercise the power of controlling the House, and does not design to do so in any way. The resolution confirms that power, and it seems to imply that the committees are to be of the same character that they have been herebefore, substantially the same, and not to be changed even long as it may remain. Now, sir, none of us will consent to that.

We cannot ask Senators on any other side of the Chamber to do that. It is very well understood that this is a mere executive session, and for the purpose of this executive session it is better that the committees, as they have been herebefore, continued, should be continued, with the power in the President to fill vacancies from the new members. It saves time, it is in the first place. The President, if he is to exercise any power in this matter, must necessarily take considerable time to do it, and I should be opposed to that, and, with the Senator from Maine, I am clearly of opinion that if we adopt a resolution confirming this power upon the President and continue these committees, it should be in such a form as makes it clear that it is to be considered either in conclave or on any other ground at all conclusive or even argumentative upon the objections of the committees of the Senate to the business of the Senate. That is the reason why I offered the amendment, in order to give effect to such a provision, in the mind of anybody, and mean to continue the committees for our own convenience as they are for this short session, at which nothing but executive business can be transacted. In my judgment it is very much better to keep the power in the hands of the Senate, and we ought not in any case to put ourselves in the same position of surrendering the power of modeling the committees of the Senate upon the President pro tempore, with all the respect that I entertain to him personally.

Mr. SAULSBURY. I wish to make a suggestion to the majority, and that is that when the committees shall have been herebefore organized by the Senate, I think the amendment I propose is very much better (being the same in substance) than the resolution as proposed by the Senator from Ohio. They used to be the same years ago, when parties were not the same in this Chamber, but the formation of the committees, authority, but it is a thing which was omitted in the formation of the committees at the last session. When the committees shall have been organized, after the majority shall have selected such of their own party as they wish to be members of the respective committees, the minority should have the privilege of selecting such of their own party as to go upon the committee.

Mr. ANTHONY. I have no objection to that. I have no objection to the amendment.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Maine.

Mr. ANTHONY. I have no objection to that. I do not see any objection to the amendment, and I hope the Senate will sustain me in the resolution as I have offered it; and upon that I ask for the yeas and nays.

Mr. FESSENDEN. The language of the Senate is always a question of some contention.

Mr. ANTHONY. A great deal larger. I very seldom obtrude myself upon the Senate, and I very seldom make any personal remarks. I think the motion of the Senator from Maine is a very singular one, and my friends around me know why— is it very singular indeed? The PRESIDENT pro tempore. The question is on the amendment moved by the Senator from Maine.

Mr. ANTHONY. I ask for the yeas and nays on the amendment moved by the Senator from Maine.

The yeas and nays were ordered; and being taken, resulted—yea 14, nay 22, as follows:—

Senators—Not present: Fessenden, Feke, Haskell, Smith, Nason, Powell, Sherman, Underwood, Massachusetts, Wilson, Campfield, Eastman, Doolittle, Mr. Anthony, 14; Mr. Treadwell, Wadsworth, 8.

So the amendment was rejected.

Mr. SAULSBURY. I ask the Senator from Maine to strike out the word "extra" before the word "session," so as to remove any doubt.

Mr. ANTHONY. I have no objection to that. I do not see any objection to the amendment. The PRESIDENT pro tempore. The Chair will suggest that "special session" would be the better term.

Mr. ANTHONY. That will do.

The PRESIDENT pro tempore. The mover of the resolution accepts the modification. The resolution, as modified, was agreed to.

ARCHITECT OF OFFICE.

Mr. SUMNER. I move an additional rule to be adopted by the Senate:

The oath or affirmation prescribed by act of Congress of July 2, 1862, to be taken before entering their seats in the Senate, shall be taken and subscribed by every Senator in open Senate before entering upon his duties.

The PRESIDENT pro tempore. It requires unanimous consent to consider the proposition at this time.

Mr. DAVIS. I object to such a rule as that.

The PRESIDENT pro tempore. It lies over.

COMMITTEE ON AGRICULTURE.

Mr. SHERMAN. I give notice that to-morrow, or some subsequent day, I shall move to add the standing committees of the Senate on agriculture, and with Mr. Wright, Mr. Sumner, and Mr. Davis.

EXECUTIVE SESSION.

Mr. DOOLITTLE. If there is no business pending in open session, I move that we proceed to the consideration of the measure.

Mr. TRUMBULL. I am not aware that there is any business in executive session. If any business should be fixed for the next session of the executive session, I have no objection to it.

The PRESIDENT pro tempore. The Senate for the present moves to recess until the Senate next meets, to consider the business of executive business.

The motion was agreed to; and, after some time spent in the consideration of executive business, the doors were reopened, and the Senate adjourned.
IN SENATE.

Mr. ANTHONY. I offer a resolution, and ask for its present consideration:

Resolved, That the Secretary of the Senate be directed to prepare a full and complete list of documents, as papers, reports, and miscellaneous documents, bound in a volume, to be delivered to the members of both houses, at the beginning of each session of Congress. I believe that the present method of handing these papers to the members is defective, if not incomplete, inasmuch as the members are not able to pursue the same through the Session without the assistance of the Secretary of the Senate. The practice now is to bind seventy-eight copies of these reserved documents, of which course beyond the power of the Senate to control, and that the Secretary of the Senate, in my belief, is doing the best he can under the circumstances, and that the present method of handling these documents is insufficient and should be improved.

The resolution was read, and agreed to.

OATH OF OFFICE.

Mr. SUMNER. As the Senate seems to have very little time to dispose of any business of the Secretary from Kentucky in his seat, I desire to call up the resolution I offered yesterday in the form of a new rule of the Senate.

The PRESIDENT pro tempore. The resolution will be read.

Mr. SUMNER. I move the adoption of this resolution, that there shall be a copy of the oath to be taken by any such officer.

Mr. SAULSBURY. I move that the further consideration of the resolution be postponed until to-morrow.

Mr. SUMNER. If there is any particular reason for that, I shall agree to it, provided it shall be presented to the Senate.

Mr. SAULSBURY. I think it is proper under the circumstances to postpone this resolution, to give time for consideration in reference to the subject of the oath. I move that the resolution be until to-morrow, with the understanding that I do not mean to put any argument upon it; I do not mean to say that it is a right construction, but it is one that is open to the Senate, and I think it should not be passed without a vote of the Senate.

Mr. SUMNER. The question is, is it not the duty of the Senate to take up this resolution?

Mr. SAULSBURY. I think it is a very grave question, not in regard to the particular act in this case or the oath required, but a grave question as regards the precedent to be set, as regards the power of Congress to interfere with the qualification of members of either branch of the Legislature, imposing different ones from those which the Constitution requires.

Mr. Sumner. All these questions must be opened necessary to discussion, and unless it is the desire of the Senate to consider the question, it would be wise to leave the question until the body is full at the next session of Congress, and to consider all these points at that time. I think that would be the wise course.

Mr. DAVIS. What have I to say against the resolution? I do not understand what is meant by the resolution.

Mr. Sumner. I would as soon make my remarks against the resolution as I would not take a vote against the resolution.

Mr. DAVIS. I am entirely willing to proceed to say what I have to say in opposition to the proposed resolution.

Mr. SUMNER. We meet here to transact business. If the Senate prefers that it should go over until to-morrow morning, I am entirely willing to adjourn.

Mr. DAVIS. With the concurrence of the Senate, I am willing to adjourn for to-morrow morning.

Mr. SUMNER. Very well, just as the Senator pleases. I do not wish to press the resolution contrary to the disposition of Senators, but if it is thought necessary to adjourn, I think it might be best to proceed with consideration, for it is important to have it decided one way or the other.

Mr. DAVIS. I have no other business to offer for to-morrow morning.

Mr. SAULSBURY. I move that the resolution be read a second time.

Mr. DAVIS. I have no objection to the resolution being read a second time.
Now, sir, to that oath, in all its forms and in every point which it comprehends, if it was attempted to be imposed upon me by any legitimate authority, I would not even give an exception, and I should be forced to take it, which I do not expect to do, I know I could take it with clear consciousness as any man in this body. But I hold that the Constitution of the United States is not an oath within the meaning of the Constitution, nor is any such oath imposed by it. 

Mr. SUMNER. It is not retroactive.

Mr. DAVIS. I think the Senator proposed to tender one.

Mr. TRUMBULL. The act says "hereafter." Mr. DAVIS. It does not affect me now; but if I were called to take it next year it might affect me hereafter; and I care not what party or what power attempted to impose such an oath upon me, I refer to the Constitution of the United States, and I do not think, under consideration of the Constitution, it would be submitted through the indefinite future to the most flagrant abuse from the principle and principle which it would adopt, and therefore I am opposed to it.

Sir, I will examine the law a moment or two. I looked upon it as in December last year; and what has the gentleman from Massachusetts to attempt to impose a rule of the Senator which will require me now to take an oath next year?

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Mr. DAVIS. I was examining the decision in the case of Barker v. People of New York, that was relied upon to authorize to sustain the power of Congress to pass this bill at the time it was passed. The case was one, however, in which it was held in opinion which stated the general principle of penal or legislative powers that the State government necessarily confers upon the power of Congress over that State. I was asking the Senator from New York, and I was also asking that the power of Congress to act upon the subject was not at all analogous to that of the State Legislature, because the power of Congress is limited and delegated, and that consequently Congress could not have power to pass this law imposing this oath unless there was an act or other legislation that required it, and that the act or other legislation that it required it, and that the fact that it required it, and that the invalidity of the oath. The fact that there is a principle familiar to every lawyer, but which is not available, although it is in the case of a conviction on the conviction for which power is given to the Legislature to exclude the persons convicted, by some rule or in some other way to remove any other cases. The principle is this, that when the law and because for any purpose enumerates matters of qualification or disqualification, or enumerates for any other purpose whatever, the enumeration necessarily, by a universal principle of legal construction, excludes all that are not enumerated. The enumeration necessarily, by a universal principle of legal construction, excludes all that are not enumerated. The enumeration necessarily, by a universal principle of legal construction, excludes all that are not enumerated. The enumeration necessarily, by a universal principle of legal construction, excludes all that are not enumerated. 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The question in that State, under our constitution, was precisely the same, except that it related to different matters, and the same authority, the constitution itself, which has prescribed the church and the public schools of that State. The ground that the matter of this law, which produces or is intended to produce the disqualification or the election from office, is not matter of general importance nor the principle. I regard the law, sir, as I did when it was passed, as in conflict with the Constitution, and, therefore, void, and that it has no validity and cannot be executed by the Senate. I believe, on the contrary, that if one of those gentlemen refused to vote for the amendment, then that Senate, by which the amendment would be submitted to the people, the Supreme Court would decide that it was entitled to his vote and his decision, and their refusal to act might have the effect of compelling it to be paid to him, and in that way determine the law to be void and inoperative.

Mr. SUMNER. Very well.

Mr. SAULSBURY. I should like to know how, consistently with his theory that the taking of this oath is a necessary qualification for entering into the duties of his office as a Senator, he can discuss the question now before the Senate. If it is necessary to take this oath before the Senate shall act upon the discharge of his duties, he is, by the vote of the Senate, and by his own contemplation of the resolution, I do not know how he can address the Senate upon the subject, nor how he can take upon himself to discuss the question without infringing the duties of the law by which he would be required to take up the subject of that law as there was in Congress to impose the oath under consideration.

Mr. SUMNER. Certainly.

Mr. SAULSBURY. I should like to know how, consistently with his theory that the taking of this oath is a necessary qualification for entering into the duties of his office as a Senator, he can discuss the question now before the Senate. If it is necessary to take this oath before the Senate shall act upon the discharge of his duties, he is, by the vote of the Senate, and by his own contemplation of the resolution, I do not know how he can address the Senate upon the subject, nor how he can take upon himself to discuss the question without infringing the duties of the law by which he would be required to take up the subject of that law as there was in Congress to impose the oath under consideration.

Mr. SUMNER. I think it is not necessary to take an oath before the Senate shall act upon the discharge of his duties. I think it may be at the opening of the Senate, and by the vote of the Senate, that he is required to take up the subject of that law as there was in Congress to impose the oath under consideration.
It is not in the text of the Constitution that you find the oath which is administered to us at your desk, but it is in the supplementary statute. Nor is it in the list of officers of the United States; it is in the fourth volume of Ellenberger's Debates. It means that there were objections at that time to the proposed oath, as there have been since. But those objections were replied to:

"Mr. Basson has no doubt respecting the power of Congress to administer the oath, and that the Supreme Court has a power to determine the questions arising from the Constitution to which it refers. There is no distinction, for that purpose, between the Constitution and the laws of the United States; it is the duty of the Senate to administer that oath to myself, or to direct that it shall be administered. With the expression of this doubt, I Late President, ante temporum. The subject is under debate.

Mr. DAVID. A single word in reply to the Senator from Massachusetts. The Senator from Massachusetts says that the oath which this law prescribes is only an oath to support the Constitution of the United States, and not a naturalization oath. It is not a naturalization oath, but it is not a oath to support the Constitution of the United States, as the Constitution itself says:

The President pro tempore. The subject is under debate.

Mr. SUMNER. I do not understand this.

Mr. DAVID. Well, every Senator has taken an oath to support the Constitution of the United States, in the terms prescribed by the First Congress.

Mr. SUMNER. I do not understand it.

Mr. DAVID. Well, every Senator has taken an oath to support the Constitution of the United States, in the terms prescribed by the First Congress.

Mr. SUMMER. May I interrupt the Senator right now?

Mr. DAVID. No, not into this oath form as this law does.

Mr. SUMMER. That is your opinion?

Mr. DAVID. Yes, and I understand it well.

The Senator is not to have the oath taken in the form that is not required by the Constitution at all.

Mr. SUMMER. That is your opinion?

Mr. DAVID. It would be easy if your mind was not clouded by the grossest prejudice and the most monstrous error. [Laughter.] That is why I am willing to add to the constitution an amendment that will not require mental reservation or the oath.

Will the Senator say it is not an addition?

Mr. SUMMER. It is not an addition.

Mr. DAVID. I should think, as all the Senators know, that no one can have served on this floor with Brutus and Washington and others, as well as we all have done, without knowing the perfect loyalty—he would rejoice to take such an oath, and rejoice to have everybody else take it. [Laughter.]

Mr. SUMMER. I am not able to return the compliment. I wish I could. I have no doubt I am a much more loyal man than the Senator from Massachusetts.

Mr. Howard. I do not think either of you will ever be hung for loyalty.

Mr. DAVID. I have always been desirous of being in Congress in 1789.

Mr. BLAND had no doubt respecting the powers of Congress, and did not believe that the Constitution implied that Congress should have the power to pass a law directing the time and manner of taking the oath prescribed for supporting the Constitution.
The CONGRESSIONAL GLOBE. March 6.

There can be no legislation recognizing the power to direct the legislative processes of the United States. Congress, as I have said, was not subject to the Constitution, and the courts might be bound in different degrees to support it. In the present case, the power to do what was proposed by the Senate, but the Senate has been refused the power to act.

Mr. Davis. The Constitution of the United States does not authorize the Senate to reject any bill that has been referred to its committee. The Senate and the House of Representatives must act in accordance with the Constitution. But the Constitution does not require the Senate to act according to its own wishes. The Constitution is supreme, and the Senate must act in accordance with it. The Constitution therefore requires the Senate to act in accordance with its wishes. The Senate must act in accordance with the Constitution.

Mr. Tatum. If it is to ask a question or to say a word, I have no objection, but not to make a speech, I do not want to give up the floor for an argument.

Mr. Davis. To the honorable Senator from Kentucky. As I have said, the Senate does not have the power to act. The Senate has been refused the power to act. The power to act has been refused by the House of Representatives. The Constitution of the United States does not authorize the Senate to reject any bill that has been referred to its committee. The Senate and the House of Representatives must act in accordance with the Constitution. But the Constitution does not require the Senate to act according to its own wishes. The Constitution is supreme, and the Senate must act in accordance with it. The Constitution therefore requires the Senate to act in accordance with its wishes. The Senate must act in accordance with the Constitution.

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The other objection that I have to the particular oath or oath as now proposed by the committee, is, up to this time, have I any reason to believe, and I certainly do not believe, that it would affect any member now upon the floor of the Senate. It is that it is not a specific in the case of any particular oath or other than the Constitution prescribes. It is denied by my friend from Kentucky and myself from the Constitution in which the article or articles in the Constitution in which the article or articles which the Constitution does not prescribe that the particular oath mentioned in the sixth article of the Constitution not is the only one which the Constitution prescribes, be the oath which can by Congress be imposed. I do not agree in that opinion. The concluding portion of the passage of the Constitution in which the oath shall be taken, provides also that no religious test shall be prescribed; and it is evident from the reading of it that the Constitution by the judgment of the Convention, but for the provision in the Constitution Congress might have prescribed other than the oath to support the Constitution, some test, some religious test; and in order to prohibit the execution of any religious test in enacting express terms upon the subject of any act or act in which the inhibition could refer, was inserted in the clause. But according to my reading of the clause, I can see nothing in it, whether judicial decisions and legislative interpretation, although Congress may prescribe some oath or other than the Constitution, yet by no means follows that they can prescribe an oath which is inconsistent with the provisions of the Constitution, it will be administered to each member of the Senate to support the Constitution.

In this particular oath as I am sure the Senators have known, in retrospective operations. New, to assume, merely for the sake of the argument, that I have not rendered aid to the cause of the United States, at any time, the national enemy of the United States in my own contention, or the enemy of the United States to be raised for the objects in which I am interested is not a question, which the Constitution, or a member of the House of Representatives, provided, I am now faithful to my duty as a citizen and am willing to support the Constitution. The only oath prescribed by the Constitution is an oath to support the Constitution, and the oath required is one which I shall have in the past violated it so that it concurs in point of fact, a particular member may be justified in not taking it as a legal matter, although disguised in the past. I doubt very much the authority of Congress to impose a restriction of that description, if any wording of the article, is inconsistent with the oath which the Constitution prescribes, that is to say, an oath to support the Constitution. With these facts, sir, I am willing to take the oath required.

Mr. HENDRICKS. I do not adopt the explanation of the Senator from Maryland, and with that explanation I will take the oath, sir. The PRESIDENT pro tempore. The Senators will step forward and take the oath.

Mr. JOHNSON. Mr. HENDRICKS, Mr. BUCK-NEW, Mr. WRIGHT, therefore stepped forward, and the oath, prescribed by the act of July 2, 1802, was administered to them; and they respectively subscribed the engraved copy of it prepared for the occasion.

Mr. SUMNER. Mr. President, I should like to have the indulgence of the Senate, as I had the honor of offering a resolution on the 25th day of this month, to-day, to make one word of reply to the remarks of the Senator from Maryland.

The resolution stated that the Senate shall not be an oath to support the Constitution, or which the Constitution shall be kept in the House of Congress, among other places. That provision might have been made in reference to the principal Houses or the members of either House.
in the particular instance under the prohibition of the law, is not such as to justify its being laid aside.

The Senator from Massachusetts, perhaps—I think I speak knowingly—has upon one or two occasions, and perhaps from the time the original law passed and the subsequent amendments were made, never doubted the authority of Congress to, if they thought fit, suspend a part of the law, or to put it upon the floor of the Senate that he would not execute it, as far as he was individually concerned.

Mr. SUMNER. Mr. JOHNSON. Over and over again.

Mr. SUMNER. Yes. Mr. JOHNSON. Let me say in one sentence was acting against the authority of Congress, assuming Congress to have authority to pass that act. The Senator from Massachusetts or from Massachusetts on the authority, or, at least, I suppose he did deny the authority; because, assuming that Congress had authority to pass the punitive slave act, that an attempt on the part of any citizen of the United States to resist that law by force or otherwise, when called upon to execute the law, would be an offense against the United States, and that the Senator from Massachusetts would fall in that category of such acts as Congress, if its doctrine is correct, has, in legislation, given Congress the power by making the city or town, or any other place or body, to be an offense against the laws of the United States. Mr. SUMNER. That is a different question entirely.

Mr. JOHNSON. I know it; that is one law, and this is another; but the principle is the same. I did not raise for the purpose of discussing it; I am, perhaps, just as much as the Senator from Massachusetts in the opinions which I entertain upon the nature of this rebellion. There is no member of this body, I am sure, who would willingly accept here with any one who takes part or lot in the rebellion, or who renders aid or comfort in any way to those who are engaged in the commission, directly or indirectly, to the success of the rebellion. That is one question. It is a different question, however, whether you have the right under a particular law, or whether it is necessary even if you had the right.

Mr. SUMNER. I have no desire to procrastinate this discussion. My purpose was simply, if I may call it so, to enter a protest against two propositions taken by the Senator; and, of course, I could have no purpose of making any reflection upon his own position. And now, Mr. President, with the permission of the Senate, I will withdraw the resolution of the President pro tempore. The resolution is withdrawn.

Clerks of Committees.

Mr. GRIMES submitted the following resolution, which was passed unanimously and agreed to:

Resolved, That the Clerk of committees appointed for the former session be continued to the present session.

F. P. STANTON.

Mr. WADE submitted the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary be instructed to pay, out of the contingent fund of the Senate, the several salaries of a Senator to Professor P. St. John, in consideration for a seat in the present session of Congress as Senator from the State.

J. POWELL. I move that the Senate do now adjourn.

The motion was agreed to; and the Senate adjourned.

IN SENATE,

Saturday, March 7, 1863.

Prayer by the Chaplin, Rev. Dr. Sumnerland.

The Journal of yesterday was read and approved.

Mr. JAMES R. PARKER. I move to table the bill to the effect that the President be authorized to deal with the State to the extent given by the act of July 2, 1862, and authorized his name to the engrossed copy thereof.

Mr. HALE appeared in his seat.


Mr. ANTHONY. I am instructed by the Committee on Patents, to whom was referred a resolution for printing ten thousand copies of the mechanical report of the Patent Office for 1861-62, to move to report back without amendment, and recommend its passage. I ask for its present consideration.

There being no objection, the Senate proceeded to consider the resolution. It is as follows:

Resolved, That ten thousand copies of the mechanical report of the Patent Office for 1861-62 be printed for the use of the Senate.

The resolution was adopted.

Priving of Laws.

Mr. ANTHONY. I am instructed by the Senate committee, to whom was referred a resolution for printing four thousand copies of the acts and resolutions of the third session of the Thirty-Seventh Congress, to report the same, and recommend the amendment being to add the words "with a suitable index." I ask for its present consideration.

There being no objection, the Senate proceeded to consider the resolution.

The amendment of the committee was agreed to; as amended, was adopted, as follows:

Resolved, That four thousand copies of the acts and resolutions of the third session of the Thirty-Seventh Congress be printed, with a suitable index.

Executive Session.

Mr. WILSON, of Massachusetts. I move that the Senate now proceed to the consideration of executive business.

The motion was agreed to; and after some time spent in the consideration of executive business, the doors were reopened, and the Senate adjourned.