expense of the Government for the year ending the 30th of June, 1862, and appropriations for arrearages for the year ending 30th of June, 1861; and
A bill (No. 26) making additional appropriations for sundry civil expenses of the Government for the year ending the 30th of June, 1861; and appropriations for arrearages for the year ending 30th of June, 1861.

REPORTS FROM COMMITTEES.

Mr. WILSON, from the Committee on Military Affairs, reported a petition of citizens of Detroit, Michigan, praying that a pension may be granted to Clementine Finn, whose husband, Andrew Finn, died in the military service of the United States, asked to be discharged from its further consideration, and that it be referred to the Committee on Pensions, as agreed to.

He also, from the same committee, to whom was referred the petition of Captain Roger Jones, of the United States army at Harper's Ferry, praying the settlement of his accounts and indemnity for the loss of his private effects, and also that the act of Congress may be amended—

The vote was that the bill be referred to the Committee on Pensions, as agreed to.

Mr. REED, from the Committee on Pensions, to whom was referred the bill (S. No. 17) concerning the pay of the officers of the revenue cutter service, reported, that he had been instructed to ask to be discharged from its further consideration, and that it be referred to the Committee on Commissary Service, as agreed to.

Mr. BAYARD, from the Committee on Commerce, reported the bill (H. R. No. 34) establishing the Commissary of the District of Columbia, with the support of the Army for the fiscal year ending June 30, 1863, and appropriations for arrearages for the fiscal year commencing June 30, 1861, reported it with an amendment, and asked its immediate consideration; but gave way for the presentation of the credentials of Senators from Virginia.

Mr. POLK. I ask the Senate to excuse me from serving on the Committee on Claims. The Senate will recollect that when the committees were appointed last Session, the case was not here, and I have not been qualified as a member of the Senate. I wish to resign my position upon the Committee on Claims, and ask the Senate to substitute my colleague in my place.

The motion to excuse Mr. Polk was agreed to.

The VICE PRESIDENT. In what manner shall the vacancy be filled?

Mr. FISSENDEN. By the Chair.

The VICE PRESIDENT. That will be done, if there be no objection.

The Chair appoints Mr. Johnson, of Missouri.

Mr. SAULSBURY. I ask to be excused from serving upon the Committee on Pensions, and I hope the Senate will permit Mr. [Mr. Johnson] to be appointed in my place.

The VICE PRESIDENT. The Senator from Delaware moves that he be excused from further service upon the Committee on Pensions.

The motion was agreed to.

The VICE PRESIDENT. In what manner shall this vacancy be filled?

Mr. SAULSBURY. By the Chair.

The VICE PRESIDENT. If that be the pleasure of the Senate, I need not say that I will take the Senator from Missouri, [Mr. Johnson.]

SENATORS FROM VIRGINIA.

Mr. JOHNSON, of Tennessee. It is with no ordinary pleasure that I approach the consideration of a bill, which has its origin from the Congress of Virginia, for the purpose of having them read at the desk; and I move that they be permitted to come forward, be qualified, and take their seats. I look upon this as a laudable thing, the return of the Old Dominion to this body, I think, is indicative of future good, and the future restor-
and take their seats according to the order of the day.

Mr. SAULSBURY. I should like to ask my friend from Tennessee (for I esteem him so,) and if it appeared necessary, that those Senators whose seats were vacant yesterday, the Senate of the United States could have expelled those gentlemen, Mr. Mason and Mr. Hunter. You regarded them as senators; you understood them to be absent, you fancied that if, when the Senate met, they had not answered the call, you had understood it to be true that they had become absent.

Mr. BAYARD. Mr. President, I yield the floor to the Senator from Delaware, because I would rather be ruled by the Senator from Delaware, in order to prevent his being in a war with Mexico, supposing that the Senate from Delaware, instead of being loyal and true to his country, that had turned traitor and joined the Mexican army and fought against the United States, and the Legislature of Delaware knew that the fact that one of their Senators in that body was fighting against the country in the armies of Mexico, they would have, in all probability called their legislature, and the Congress of the United States assembled, and the Senate by a formal resolution, expelled that Senator from Delaware. Delivered in Philadelphia, and have proceeded at once to elect a Senator, and when Congress convened, and a resolution was offered to expel that man from the Senate, it would be, because the State of Delaware, before the Congress had convened and expelled the traitor, that therefore the other election should go for nothing, and the Congress must be convened and a new election held.

Sir, the guilt and the turpitude of the men whose seat as Senators have been greater than it would have been in the case I have supposed. They have joined in a fratricidal war against their country. They have not joined a foreign enemy, but they have volunteered to sit in a domestic war. I do not think there is any necessity for their being called traitors. They have not gone out of the Senate, but they have had the country taken from them. You may have declared, as was proposed, that their seats were vacant; and for that I voted; but you should have called it a virtual vacancy as it had been vacated, and as if Mr. Hunter and Mr. Nelson had gone and you expelled them as members of this Senate.

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I have merely asked, though, that this subject should be referred to the Judiciary Committee, I thought I might be opposed to it in the same way. I did not desire even to open my lips on the questions involved. I will think them grave. I shall not vote for them; but it is for the Senate to decide; but I persist in my motion.

Mr. HALE. I do not want to occupy the time of the Senate; but there is a single remark that fell from the Senator from Delaware (Mr. Bayard) of which I feel bound to take some notice. He said that the members of the commission were under the commission that they bear will be recognizing insurrection in a State. I deny it, sir; I deny it, Mr. President; but I do not think it is a matter of terms never could be used. It is because we will not recognize insurrection in a State, that we admit gentlemen. The part of the State to which these men are sent is throughout in a state of insurrection, and it becomes this Government to recognize the loyal and the true men that will cling to the Union and support the Constitution, and call upon this Government to maintain its constitutional obligations and put down insurrection. That is all about precedent, sir, why the whole thing is new. These States have parted so far as they could, or the men under whose control they are parted from their constitutional obligations and precedents. We must not use them as a process by which the world never saw such a state of things.

I hope that the Senate will not hesitate. Sir, this is a question, no question of money; it is a question of life or death with this Republic, and with this Government. The men that are going there are going there to protect your very existence. The idea of your national life a day after you yield to their position, is absurd and inconsistent. Sir, this Government had been born and preserved, until your forbears were construct into paupers and paupers, and during the last session of Congress, the most insulting language that ever fell from the lips of a man in the history of civilization, to this very General Government; and the gentlemen for whom so much regard is now felt and expected, and for whom I have talked with the man who told us that we had been mitting a sniggering blow in the face that we dared not return.

Yes, sir, that is exactly the way this Government has been treated; and it has come to the very last point, where it must either vindicate its existence by all the force that it command, or it must go out in national disgrace forever. This is the day; this is the hour; this is the time; this is the experiment. Sir, it is the culmination of the great contest that has been going on throughout all time, between despotism on the one side, and constitutional government and liberty on the other. This was the great battle of all past ages and all coming generations. They all culminate in the experiment that we are making now, and unless war has been forced upon the country. There went on until the last question that was left to it was to submit ignominiously over, with the power of the people in command, send its thrilling voice out to the millions that were subject to its control, and that in the hands, I had almost said—beloved that, none of my friends, Mr. President, have a Government to defend them. And, sir, they have rebelled as never people rebelled; and I tell you, Senators, if you hesitate to meet the issues, it is as sure as the people have any contingency here on this floor, on the field of battle, and everywhere, you are unworthy of the day and the genius of your country that has permitted you to exact the part of the Constitution. Mr. Hales has assumed that you are the great creature of human destiny. I am glad that I was born about the time I was, so that my lives fell here to-day. I am glad that my destiny is linked in the great contest that has been going on, and coming, and coming with every success, every victory, every invasion that the world has ever made in all the past. I feel to-day that the blood which has been shed on every battle-field, and every pilgrimage, and every suffering, every sacrifice, will last as a monument that the world has ever made in all the past. I feel to-day that the blood which has been shed on every battle-field, and every pilgrimage, and every suffering, every sacrifice, will last as a monument that the world has ever made in all the past. I see to-day that the blood which has been shed on every battle-field, and every pilgrimage, and every suffering, every sacrifice, will last as a monument that the world has ever made in all the past. I see to-day that the blood which has been shed on every battle-field, and every pilgrimage, and every suffering, every sacrifice, will last as a monument that the world has ever made in all the past. I see to-day that the blood which has been shed on every battle-field, and every pilgrimage, and every suffering, every sacrifice, will last as a monument that the world has ever made in all the past. I see to-day that the blood which has been shed on every battle-field, and every pilgrimage, and every suffering, every sacrifice, will last as a monument that the world has ever made in all the past. I see to-day that the blood which has been shed on every battle-field, and every pilgrimage, and every suffering, every sacrifice, will last as a monument that the world has ever made in all the past.
that position, or else it should reconsider the proceedings of that day, and adopt a resolution declaring the seats vacant from the time the Senators withdrew.

One word further, if the gentleman will indulge me, and I shall not detain the Senate longer. I wish to be distinctly understood, that in taking this course I have been done no wrong by anybody. I believe every Senator, from California to South Carolina, that if there ever was a dannable doctrine, and one which is leading the country to destruction, it is this, that if the election of the... the Senate was not under the Constitution. If we do not make an ad captandum argument, we might say that an election of Senators which took place... but the Constitution of the Union was not under the Constitution of the United States; but under the Constitution, the Senate having the general power to judge of the elections, returns, and qualifications of its members, they were permitted to take seats, notwithstanding these precedents were the prior... the admission of the Senate to the Union. Now was it with the State of California? Her Senators were here for weeks anxiously waiting... to admit California as a State. The election took place; they were here before the State was even in existence. One of the first actions under the general power of the Constitution, this body recognized, and admitted to seats here, Senators who had been admitted to the admission of California into the Union.

Upon these precedents I might safely rely if the cases were parallel, but they are not parallel. In those states... for about the State of Rome, the cases? I am not questioning the power in the... in the case, while I am contending for it in the other. I am asserting the... these precedents are much stronger than the case now before the Senate.

It seems to me that there is not much in what the Senator from Delaware [Mr. Saulsbury] says... here from the State of Virginia. The Commonwealth of Virginia, the loyal portion of the Constitution and the law, have proceeded to fill these vacancies; and have done it... and the gentlemen so elected not only have the right to take their seats, but it is the constitutional duty of this body, upon the presentation of this paper, regular in every particular, not only... simply as a matter of right, and I think the Senate and the other branch of Congress, in cases of this kind, should be inclined, even where there is doubt, to give them the necessary certificates; and to give to their action the largest margin it is possible to give. Will the United States stand by and... and that any person, if he is of age and capable of... of judicial voting and election in the Government, and to that extent favor and tolerate and sanction upon... upon the present occasion of the same State? If there is a State government, it is not only the existence as a part of this Confederacy, and that State is entitled to send Senators here with certificates made out in the usual and regular form, it is the duty of the Government to come up to this, that do not find it... the Senate to the Constitution and the law, and to give them the action which it is possible... it is our duty, I repeat again, our constitutional duty, to sanction and maintain, as far as it is possible... the State government in making the great move that... as a State, to our Constitution, we believe will result in the overthrow of treachery and treason to the people of the United States. And I will add to these... in the States, and even in... make us stand by the loyal men; we should give them encouragement; we should develop the Union sentiment, set the example of arrest and crush out a set of usurpers who have sprung up... the land, and are trying to override and trample beneath their feet the great majority of the people.

I say it is the duty of the House of Representatives to stand by these loyal men, to stand by Virginia as long as she is loyal to the Constitution, to stand by the Union sentiment, to stand by that sentiment in the State which is trying to sustain and will in the end sustain the supremacy of the Constitution and the Union. It is not an affair of the Committee without a single fact being presented, without one single reason being given, when there is no real objection made to these Senators taking their seats, strikes me that this is a regular... is in a regular body; they come from an organized Legislature loyal to the Government; the vacancies exist, and it is not the function of this body to say... the occasion, is there any fact to be investigated? What is it for by delay? What is it for but to impeach and impugn the Senate, and to impugn the rising and growing throughout the land? Whether it is intended for that or not, that is the effect it is calculated to have.

I trust and hope that the Senate will without hesitation permit the Senators to be qualified and fix the seat with their compatriots in this body to battle with us for the preservation and the existence of the Government, and against those who are making war upon us, and in the end help us in the overthrow of the Government and all that is sacred and dear to man.

Mr. LAFFAY. It seems, Mr. President, that objections are taken to the reception, as members of this body, of the gentlemen who have presented their credentials. I think it will be difficult to find a precedente... of this body, by which men who presented papers... that fact good were not allowed to take their seats. I am informed that the papers... that the Parlia... that it is at not an uncommon thing in our... that the State of Virginia does not take the... and the political action... in the investigation of... the court can decide. That is a... but I am... that the Senate, under the Constitution, has... in the manner of the... in the manner of the... on which the court can decide. That is a political question, and that the court... and the political power is what settles it, and we cannot examine into it any more.

In analogy to the... in the investigation of... we must not be governed by the fact that... of the United States have executed those... to send them to us, is recognized by our Executive? They have called upon us for militia, and have received militia from him. He recognized in this manner the authority of the Governor of the State, recognized by the Executive of this Government: there is the end of that subject. Whether a course of military... to... our Executive to know whether he did... of the States, and recognized by the Executive of this Government: there is the end of that subject. Whether a course of military... to... to... by us, we have no more to do with that.

The other point which gentlemen make is, that these certificates, on the face of them, show that this election was made because the party of... was passed in this body expelling the Senators from... and this the Senator from Delaware interposed himself as a party to this question, if we admit them. To my mind, it does not.

The substance of that resolution, and the... and the occasion of the matter of, if it is fairly examined and reduced to plain and unqualified English, it is, that we have declared those Senators guilty of treason. That is the amount of it. They
have adhered to the enemies of the United States; they have withdrawn themselves from our body, and have refused to sustain the Government. In plain, direct English, it amounts to declaring the people of the United States guilty of treason, so far as we can do so, and, in the judgment of the association of our own body, we must pass sentence of a subject of that kind, whether we like it or not. I do not mean that we shall be able to punish it, but it must be done, and it is our duty to be sure, it does not convict the person so that he may be hung; but it does convict him for all the purposes of law.

Now, what is the common-law effect of treason? It is clearly that, when a conviction of treason takes place, it attains the blood and the body, and the future issue of the convicted person, and the constitution, and it will be remembered that they make it out that the men named in it were enemies to this Government; and it takes effect from the time that that was manifested in the way the resolution states; that is, at the commencement of this session, that is our view of it. That is an application of the principles of law which relate to a subject of this kind.

In the next place, Mr. President, on that topic I have to say we treat this as the State of Virginia, and have many ways of doing it and it seems to me it needed no reason. If the State of Virginia—I am not then and now—has sent us here two new resolutions, that she is not in favor of the principle of no objection to our act, and in content with it, and the seats are vacant, as we have declared, I should not cavil much at all alleging, their views. As to the question of whether there are two senators from the State of Virginia that she is in some way discontented. I think she has a right to be heard here, and if she should make the appeal, if she should desire the advice of those senators, and if she are not satisfied with their advice, we ought to keep them here.

Mr. POWELL. I do not propose, sir, to enter into the discussion of this matter, merely in order to protest against this proceeding. My friend from California says that these gentlemen were chosen by a Legislature elected by the people of the Commonwealth of Virginia. Is it not aware, is it not a fact judicially known to this Senate, that there is another person who was a member of the Legislature of the Commonwealth of Virginia? I think it is a fact of public notoriety to the Senate, that the body assuming to be the Legislature of Virginia, which elected these gentlemen as Senator, was composed of gentlemen elected to that body from perhaps less than a third or a fourth of the State of Virginia, there are, I believe, at least hundreds and fifty counties in that Commonwealth, and I have seen no statement that more than thirty or forty counties of that State, a majority of the counties in that body that elected the gentlemen whose certificates have been presented. These facts, I think, all judicially known to the Senate, in which you gentlemen are, and to which these gentlemen take their seats here, you overthrow the Constitution and our form of government.

My friend from New Hampshire tells us that this is a contest between despotism and constitutional liberty. Sir, as far as I have witnessed the action of the Executive, and I regret to say, some of the acts of this body, it does not seem to me that the Constitution is much regarded. This proceeding is, in my judgment, on every principle of the Constitution and the forms of our Government. As I said the other day, we have but little left the Constitution, and I invoke Senators to prevent this proceeding.

I do not rise for the purpose of discussing this question, I know that nothing that I could say would have the effect of adding to the trouble here to me; but I think it my duty to make a solemn protest against this proceeding. I shall simply say, that I am prompted by my confidence in the Constitution and my reference in this matter, I must refer to the Constitution and the forms of our Government. As I said the other day, we have but little left the Constitution, and I invoke Senators to prevent this proceeding.

Mr. TRUMBULL. I rise merely to call the attention of the Senate to one or two preceende to as whether a vacancy could be recognized by the State authority. It will be perceived that these credentials state that Mr. Willey is chosen a Senator to fill the vacancy which has been created by the death of Mr. Mason. Now, I find, in both the state and federal contest elections, that in 1793, "John Walker of Virginia, appointed by the Governor in the place of John Mason," and his credentials and was admitted to his seat." In the Senate, there the Governor appointed a Senator in the place of Mr. Mason, and the other State appointed to the seat. The Governor of Virginia, in 1793, recognized the vacancy, a return for the seat, and appointed a Senator to fill the vacancy, and was sworn in as a member.

Mr. SAULSBURY. If the Senate from Illinois will allow me, the case to which he now refers, from Virginia, was a case where the person appointed had never acted as a Senator; had never been a member of this body. The appointment was made by the Governor, and what I gather from what the Senator reads—and he refused to accept it. He had never been a Senator, and could not have made the appointments. What he could make the appointment, and if they were not filled, the Executive could not appoint at all.

Mr. SAULSBURY. Will the Senator look at the record of the House?

Mr. TRUMBULL. I have read the record to the Senate, and if he had paid attention he would have heard it.

Mr. SAULSBURY. April 25, 1793. John Walker of Virginia, appointed by the Governor in the place of John Mason, who had returned to his credit to his seat.

The Governor of Virginia could not appoint, except in a case of the legislature. Another case will be found which arose in the State of Maryland, in 1791. In that case Mr. Pinckney, who was a member of the House of Representatives resigned his seat. There is no direct evidence of the resignation, however; but the Governor of Maryland ordered an election, and Mr. Mason was appointed by the Governor and was sworn in as a member.

Mr. TRUMBULL. I understand the Senator to say—and I believe he did say—that he would not vote to declare their seats vacant. I believe he did vote on Thursday for such an amendment.

Mr. SAULSBURY. If the Senator will allow me, the Illinois would be, if the Senate voted to declare the seats vacant, they could have done so under the same power of being judges of the qualifications of the Senators, and to declare the Senate by the Senate; that is, to be elected by the Senate. That is the great right of the Senate.

Mr. TRUMBULL. Then, the Senate stands in the position of the country: they voted that their seats were vacant. If they were vacant, then the Legislature of Virginia had a right to fill them. We cannot determine in this House whether this body was the Legislature or not, is not the point that the Senator from Delaware has made the point that the Senate has an obligation to send these Senators back to be elected again to-morrow. The great point is that he thinks it is in breaking up the Senate by this means that the privileges of the country, is, that they were elected the day before yesterday, instead of being elected to-day. That is his great right.

Mr. TRUMBULL. The VICE PRESIDENT. Does the Senator wish to say?

Mr. TRUMBULL. After I get through, the Senator can have an opportunity, if he wishes, to reinstate his position one of his two Senate seats. We recognize that the vacancies existed. If the vacancies existed, the legitimate Legislature had the right to fill them. He does not deny that. Then, so far as I understand it, it amounts to nothing but simply this: that the Senate has voted to expel them; but, because it did not vote to expel them, when they disavowed it, therefore these gentlemen, who have been elected Senators, must be elected again, although the election of the Senators existed, and although the Legislature of Virginia, the body to elect Senators, determined that it had no power to sit.

Mr. TRUMBULL. Only one word more, sir, for the purpose of putting myself right. I hope the Senator from Illinois did not wish to put me in the position of disagreeing with him. There have been two groups of objection made in this body to these gentlemen taking their seats without a reference of the credentials to the Committee on the Judiciary; for that is the
mediate question before the Senate, whether the creditors of the United States should be protected against the Judiciary. One of the points is, that the Senator of the United States having declared, on Thursday, that the former Secretary of the Navy in this body, by that vote recognized that on that day the two former Senators were members of this body. There was another ground of objection raised by the Senator, and to which I object, and I do not choose now to refer, and that was the power of this new Legislature of Virginia to elect Senators.

The Senator from Illinois seems to think that he has placed me in a wonderfully inconsistent attitude. He has no right to make that attempt at it, that would have been very well, if I had had the honor of being an opposing candidate before the people assembled for the purpose of choosing a Secretary of the Senate. It falls upon all, however, of an argument addressed to cool-headed, clear-headed men, upon questions of law. He seems to think that because I voted the other day to declare the seats vacant, therefore I must have declared that they were vacant before that day. Does the fact that I voted on Thursday to declare that the seats were vacant, establish the fact that I voted they were vacant before that day? Now, sir, the Senator has offered a remark, that I voted that day of this month, I voted that day after Mr. Mason and Mr. Hunter withdrew from this body, declaring their seats vacant, and I am in this body, I would certainly have voted for the Senate to declare their seats vacant, as one member of this body—which has the right to decide, as I said before, upon the election and qualifications of other members of this body under the Constitution of the United States. But they did not raise the question as to whether Mr. Mason and Mr. Hunter were members of this body until Thursday. Now, they did not raise the question as to whether Mr. Mason and Mr. Hunter were members of this body until Thursday. Then, I voted on Thursday to declare the seats vacant. The gentlemen on the other side voted not to declare them vacant. Did they mean by that vote to say that they did not consider them as members of this body, that they chose another mode. They chose to vote to expel them. As to the propriety of expelling, I have not; and if I have, those Senators, if they had appeared here on Thursday, to have been allowed to take their seats, and the Senate, acting in the capacity of the Court, judging whether there and committed such offenses as to prejudice them from a seat on this floor, would have the right to say that they should not take their seats; and I would have so voted, because they now adhere to a State which is in rebellion, as I hold to the Government of the United States.

I find there is no inconsistency at all in my record; but that there is an inconsistency in the record of the Senator from Illinois, who on Thursday declared those seats vacant, and in the record of these gentlemen as members of the body, and voted to expel them. What does he say? That this action is not appropriate. I am not the first to be a legal body. The Legislature, which we were bound to recognize—undeclared, in anticipation of such an act, before the act of the Senate is declared to be a legal body. What was the position of the Senate at its special session, my theory and doctrine is, that throughout the Senate, it was when there were Senators still having a right to their seats, that those Senators might not be precisely the powers. In some cases, there might be charged with crime of any character? It is not for the Legislature to determine that the change of the Constitution of the United States, to be determined by the Senate alone can undertake to determine that. If, therefore, there was no vacancy, there was no authority, to declare the Governor, during the recess of the Legislature, to appoint the Senate, having commenced and been filled; nor was there any authority in the Legislature, when in session, to elect other Senators, until after the 11th day of July. I desire to have the action of the Committee on the Judiciary on that point.

The next subject is this: whether you have in this certificate anything you can acknowledge, on the facts you are judicially to notice, that would give any one a title to a seat in the Senate which would not be entitled to seats in the Senate at its special session, my theory and doctrine is, that throughout the Senate, it was when there were Senators still having a right to their seats, that those Senators might not be precisely the powers. In some cases, there might be charged with crime of any character? It is not for the Legislature to determine that the change of the Constitution of the United States, to be determined by the Senate alone can undertake to determine that. If, therefore, there was no vacancy, there was no authority, to declare the Governor, during the recess of the Legislature, to appoint the Senate, having commenced and been filled; nor was there any authority in the Legislature, when in session, to elect other Senators, until after the 11th day of July. I desire to have the action of the Committee on the Judiciary on that point.

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Mr. BAYARD. Mr. President, I see, at least I fear, with no desire to disturb the Senate, that the consideration of the grave question involved in the admission of those gentlemen to the seats on the Senate, during the special session of the Senate, is about to be disposed of now by the majority of the Senate, although I think it would be wise to have the Senate take it under its own consideration, and take it in regard to it. I shall therefore, through entirely unprepared, endeavor to state my views upon it distinctly but briefly. It is done, if I do not mean, insuch a spirit as to prejudice the Senate, or the majority of the Senate to settle the question now, to obtain them. There are two questions involved in this matter: the first of them is, whether these seats—without reference to all the much graver question—were vacant when this body declared them to be so. It may be that the election to be the lawful legislature of Virginia after the vacancy occurred in the body.

Now, sir, what is the question there? It is very simple. Is the Governor of Virginia elected for a fixed term of six years. He can be removed in but two ways against his will. He may resign or he may be removed by the Senate. If they are seated two years before the expiration of the term of his office; the Senate is not in session, but no Legislative of a State, no Governor of a State, can undertake to terminate his office during the term for which he was elected, without the concurrence of three-fourths of the Senate. Though elected by the Legislature, he is not within their control as regards his office. The President of the United States is of the United States. The Senate may expel a member. If the House of Representatives impeach him, the President pro tempore of the Senate, vote no confidence in him, and he has taken his seat, the Senate may vote no confidence in him, and he has taken his seat, but the seat is not vacant without resignation, without death, without expulsion, or without a verdict according to the judgment of the Senate that the member was not entitled to a seat in the Senate, or in any other way, as I have said, creating an insurrection in that State, or acknowledging an insurrection in that State, while on my theory, the State, by removing the Governor, by removing him from the Union, of course no Senator from Virginia can take his seat on this floor. It was on that ground that I was opposed to the filling of the seat by the governor of that State, and I did not think it necessary to expel them. I agree, sir, I know very well that it is a very unpleasant thing to stand in opposition to a large majority of the body of which you are a member, and more especially during an excited state of feeling in the country, against a majority of the people who have sustained the general course of the party to which you are opposed; but a man is bound to carry out his duty to the voice of his convictions of the structure of his Government. As regards this particular question, I am not in the habit of making professions. I believe I have loved and do love this Union, and prize its value as much as any man who sits upon this floor. I may differ from them in regard to the state of revolution and civil war that now is, what is its object, and what is the pace and happiness of my country in the future. I may believe that it is better to let a portion of the people remain as they are, and not risk, by civil war, of consolidating this nation into a single government, which inevitably ends in destruction. I think so, honestly. I challenge the motives and I impugn the character of no man that differs from me on that; but I should be false to every principle of nature; I should feel to myself a sense of duty to my country, whether I stood alone here, or whether I had a large majority to support me, I would do my duty, and defend those sentiments which I think alone can preserve this Government from utter subversion. I believe a word, but a word; for I would not stand for a minute in the way of the restoration of Virginia to her ancient rights and dignity. I only say this to let the Senator from Kentucky have called for the yeses and nays; but for a different reason from that which influences him. He be-
believes that the action we are about to take will be an infraction of the Constitution, and he wishes his voting eyes to be an eyes upon the Constitution, and he believes that this Constitution shall be maintained. The Senator from Kentucky stands as the champion of the Constitution, and I desire that my vote upon it be recorded in letters of brass or of iron, enduring as the Government, which, I believe, will be perpetual!

The Senator from Kentucky stands forth as the champion of the Constitution. In his speech he quoted the whole burden of his song was "the infraction of the Constitution;" the President had done no act, save one to which he could attach the word "taxation," and that was in the matter of the intercourse fee charged the citizens of the States. To this the Senator from Kentucky answered that this was "the only act of taxation of that sort," and that it was not a violation of the Constitution.

Sir, it appeared strange to me that, at the time when we were listening to his eloquent declamation that noble apostrophe to it which thrilled the heart of every listener, it never occurred to him that if the Constitution had been violated in any manner by other men or in any other way, he had most strangely forgotten the transactions which called one hundred thousand men on the wings of the wind to this capital for the purpose of protecting the Constitution and preventing the overthrow of the Government.

I am informed from Kentucky to admit, however, that the President had done one constitutional act, and that was the issuing of his proclamation calling for seventy-five thousand men for the purpose of the capital. I ask this champion of the Constitution and the laws how it is that he and his beloved Kentucky did not resolve to send to this capital the rifles of the States, the muskets of the States, the men of the States, the farmers of the States, the laborers of the States, and the women of the States, as a mark of the respect due to the Constitution?

The Senator, the noble-hearted men of Kentucky, the men whom we have loved and admired in times past, and who stand forth and do battle for the Union, the Constitution, and the laws; for this, and nothing else.

The war of 1812 was fought for the purpose of making no raid upon southern rights, or interfering with any southern institution; but they are here in obedience to the call of the constituted authorities of their county for the purpose, originally, of protecting this capital founded by Washington, the sacred home and stand-point of the Government. They are here, and are moving onward, for the purpose of rescuing the noble-hearted, loyal men of Van-Brugh's North—men who are fighting to the last everywhere south of us, from oppression and sub-jugation; ay, the loyal and true-hearted men of Van-Brugh's North, who are fighting for freedom, to stand forth and do battle for the Union, the Constitution, and the laws; for this, and nothing else.

The Senator from Kentucky to this day has been discussed at considerable length, and I believe is understood by Senators, and I believe that we may contend that the circumstances of the country are such that what we need are deeds, more words.

The question being taken by yeas and nays, resulted as follows: Yeas 34, and Nays 24.


So the motion to refer the credentials to the Committee on the Judiciary was not agreed to.

The VICE PRESIDENT. The Senators will now advance and take the oath of office.

The oath was administered to Messrs. CARLISLE and Mr. Willey, and they took their seats in the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, communicated by the Speaker of that House, that the House had passed a bill (No. 23) to authorize the employment of volunteers to aid in supporting and defending the Government against those who are in open rebellion against it; and that the bill was adopted by the Senate.

I have presented to the Senate in relation to this bill (H. R. No. 15) further to provide for the collection of duties on imports, and for other purposes.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House of Representatives had signed an enrolled bill (H. R. No. 15) further to provide for the collection of duties on imports, and for other purposes.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House of Representatives had signed an enrolled bill (H. R. No. 14) to authorize a national loan, and for other purposes, to report it to the Senate, and that some few amendments had been made in the Senate, and that the bill was signed by the Vice President.

THE LOAN BILL.

Mr. FESSENDEN. I am directed by the Committee on Finance, in which bill (H. R. No. 14) to authorize a national loan, and for other purposes, to report it to the Senate, and that some few amendments had been made in the Senate, and that the bill was signed by the Vice President.

The Senator from Kentucky has assumed a position of neutrality, and I only hope that she may be able to maintain it. She has assumed that position because there is no impulse of her patriotic heart that desires her to imbibe the hands in a brother's blood, whether he be from the North or the South. Kentucky looks upon this war as wicked, unrighteous, and an infraction of the Constitution. She believes that this Constitution may be maintained. She believes that it cannot be done by force of arms; that is must be done by the ballot, so that it may be done all; and, hence, being devoted truly to the Union, she desires to stay this war, and desires measures of peace to be presented for the adjustment of our difficulties.

That is the neutrality of Kentucky, and that is the understanding by whom she is understood. I understand the President to be the man who is the recognized exponent of the great body of that proud Commonwealth that she ever failed to respond to the call upon the country for volun- teers. I understand him as the recognized exponent of the great body of that proud Commonwealth that she ever failed to respond to the call upon the country for volun- teers. I understand him as the recognized exponent of the great body of that proud Commonwealth that she ever failed to respond to the call upon the country for volun-