

and move the previous question upon its adoption:

Resolved, That the Committee on Foreign Affairs be instructed to inquire into and report whether it is practicable and expedient to obtain the rights and privileges of settlement and of citizenship in any part of this continent, or in the adjacent islands south of the United States, for the benefit of such free persons of African descent as may choose to emigrate thereto from the United States, or where such emigrants may form themselves into independent colonies under such protection as may secure them from foreign molestation.

Mr. COX. Do I understand that the resolution requires the Committee on Foreign Affairs to report as to whether such a place can be purchased, and the feasibility of removing the colored people to such an island?

The SPEAKER. No debate is in order, as the previous question is demanded.

Mr. COX. I would like to have the resolution again read. It seems to require a pretty large inquiry.

The resolution was again read.

The previous question was seconded; and the main question ordered, and being put, the resolution was agreed to.

RETURN OF FUGITIVE SLAVES.

Mr. LOVEJOY. I desire to introduce a bill, of which I have given previous notice, making it a penal offense for any officer or private of the Army or Navy to capture or return, or aid in the capture or return, of fugitive slaves. It is on the same general subject as the bills and resolutions which have been postponed until Tuesday next, and I ask that it may take the same course.

The bill was read a first and second time, and its further consideration was postponed until Tuesday next.

REFERENCE OF PAPERS.

Mr. SHIEL submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the memorial of the Legislative Assembly of Oregon, and the petition of Daniel Harvey and others, and all papers relating to the Oregon City claim, in the State of Oregon, now on file in the office of the Clerk of this House, be referred to the standing Committee on Private Land Claims.

The SPEAKER. The Chair will state that, under the rules of the House, papers can be withdrawn from the files for the purpose of reference at the Clerk's desk at any time.

WITHDRAWAL OF PAPERS.

On motion of Mr. ALDRICH, it was

Ordered, That leave be granted for the withdrawal from the files of the House of the affidavit and appraisal of Basil Moreland, in the Winnebago claim, and that the same be returned to said Moreland.

SLAVES IN SECEDED STATES.

Mr. CONWAY introduced a joint resolution touching the subject of the treatment of slaves in seceded States, which was read a first and second time, and its further consideration postponed until Tuesday next.

SURRENDER OF FORT FILLMORE.

Mr. WATTS submitted the following preamble and resolution; which was read, considered, and agreed to:

Whereas, in July, 1861, when in command of Fort Fillmore, in New Mexico, Major Isaac Lynde, of the United States Army, abandoned said fort, and shortly after the abandonment, surrendered a largely superior force of United States troops under his command to an inferior force of Texas troops, without firing a gun or making any resistance whatever; and whereas it is charged and believed that such surrender was the result of treason or cowardice, or both, in which surrender other officers under him were also concerned: Therefore,

Resolved, That the Secretary of War be requested, if not incompatible with the public interest, to report to this House what measures have been, or ought to be, taken to expose or punish such officers, now on parole, as were guilty of treason or cowardice in such surrender, and to relieve from suspicion such as were free from blame.

UTAH CAPITOL.

Mr. BERNHISEL submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Territories be instructed to inquire into the expediency of providing for the completion of the territorial capital of Utah, and that said committee report by bill or otherwise.

COOLIE TRADE.

Mr. ELIOT, in pursuance of previous notice, introduced a bill to prohibit the Coolie trade by American citizens in American vessels; which was

read a first and second time, and referred to the Committee on Commerce.

THE WAR.

Mr. EDWARDS, by unanimous consent, presented the following resolutions of the Legislature of New Hampshire; which were read, laid on the table, and ordered to be printed:

Resolved by the Senate and House of Representatives of the State of New Hampshire in General Court convened: That the contest now existing between the Government and the disloyal people that have commenced an unjustifiable and treasonable war upon its constitutional authority, should be regarded by all loyal men not as a sectional war, nor an anti-slavery war, nor a war of conquest and subjugation, but simply and solely a war for the maintenance of the Government, the suppression of rebellion, and the preservation of the *magna charta* of our liberty and national unity.

Resolved, That the State of New Hampshire pledges her resources for the integrity of the Union, for the support of the Constitution, and for the enforcement of the laws of the General Government.

Resolved, That the Constitution is the supreme law of the land, and that no State has the right to secede therefrom and dissolve the Union which that Constitution was made to secure.

Resolved, That the duty of the General Government to suppress all attempts to dissolve the Union is imperative, and cannot be evaded.

Resolved, That neither the President nor Congress can constitutionally entertain any proposition which has for its object the dismemberment of the Government or the dissolution of the Union.

Resolved, That in the language of Andrew Jackson, "The Federal Union must be preserved."

Resolved, That the Secretary of the State be directed to send copies of these resolutions to the President of the United States, the Presiding Officer of each House of Congress, the Governors of the several States, and each Senator and Representative of this State in Congress.

Mr. COLFAX. Would it be in order to add also the language of General Jackson: "By the Eternal the Union shall be preserved?" [Laughter.]

The SPEAKER. The Chair hardly supposes it would be in order to amend the resolutions of the Legislature of New Hampshire.

ABOLITION OF SLAVERY IN THE DISTRICT.

Mr. HUTCHINS, in pursuance of previous notice, introduced a bill to abolish slavery in the District of Columbia.

The bill was read. It declares that slavery within the District of Columbia be, and the same is hereby, abolished; and that hereafter there shall be neither slavery nor involuntary servitude in said District, otherwise than in punishment of crime whereof the party shall have been duly convicted.

The bill was read a first and second time, and referred to the Committee for the District of Columbia.

And then, on motion of Mr. OLIN, (at a quarter before two o'clock, p. m.) the House adjourned.

IN SENATE.

THURSDAY, December 5, 1861.

Prayer by Rev. MASON NOBLE.

Hon. ANDREW JOHNSON, of Tennessee, appeared in his seat to-day.

The Journal of yesterday was read and approved.

EXPULSION OF MR. BRECKINRIDGE.

Mr. RICE. Mr. President, I was unavoidably detained from the Senate yesterday, and I now ask unanimous consent to record my vote on the motion which was then made for the expulsion of Mr. Breckinridge.

The VICE PRESIDENT. The Senator from Minnesota asks the unanimous consent of the Senate to record his vote upon the resolution expelling John C. Breckinridge from this body. The Chair hears no objection. The vote will be recorded.

Mr. RICE. I vote in the affirmative.

The VICE PRESIDENT. The Senator's vote will be so recorded.

THE PRESIDENT'S MESSAGE.

Mr. SUMNER. There has been no order made for the publication of extra numbers of the President's message and accompanying documents. Those documents will be of general interest; and it is certainly important that there should be a considerable edition published. I accordingly send a resolution to the Chair on that subject, which will naturally go to the Committee on Printing.

The VICE PRESIDENT. The Senator will allow the Chair to suggest that there are no doc-

uments accompanying the message as yet presented to the Senate; there are none in the possession of the Senate.

Mr. SUMNER. But the message itself refers to certain documents.

The VICE PRESIDENT. The Senator's resolution will be read.

The resolution was read, and referred to the Committee on Printing. It is as follows:

Resolved, That ten thousand extra copies of the President's message and accompanying documents, be published for the use of the Senate.

PETITIONS AND MEMORIALS.

Mr. NESMITH presented the petition of L. W. Cole, of Oregon, praying for the right of way over certain public land in Oregon, for the purpose of constructing a railway from the Dalles, in Oregon, to the mouth of the Des-Chutes; which was referred to the Committee on Public Lands.

Mr. POMEROY presented the petition of George W. Benson and others, of Kansas, for removing the cause of the present rebellion; which was referred to the Committee on the Judiciary.

Mr. FOSTER presented the memorial of Mrs. Mary Ann Henry, of Pennsylvania, widow of the late Captain Henry Henry, of the United States Navy, praying Congress to pass an act allowing her a pension at the rate of fifty dollars per month from the death of her husband, on the 26th day of July, 1858; which was referred to the Committee on Pensions.

Mr. LATHAM presented the memorial of Francis Hutmman, praying remuneration for losses sustained in consequence of the illegal proceedings of the collector of customs at San Francisco; which was referred to the Committee on Commerce.

Mr. SUMNER. I have a petition of citizens of Haverhill, Massachusetts, in which they set forth that the present formidable rebellion against the General Government manifestly finds its root and nourishment in the system of chattel slavery at the South; that the leading conspirators are slaveholders, constituting an oligarchy avowedly hostile to all free institutions; and that, in the nature of things, no solid peace can be maintained while the cause of this treasonable revolt is permitted to exist. On this account, these petitioners urgently implore Congress to lose no time in enacting, under the war power, that the slaves of rebels shall be liberated unconditionally, while the slaves of loyal persons shall be liberated with a fair pecuniary award allowed to their owners, in order to facilitate an amicable adjustment of difficulties. I ask the reference of this memorial to the Committee on the Judiciary.

It was so referred.

MILITARY DISASTERS.

Mr. CHANDLER. I offer the following resolution, and ask for its immediate consideration:

Resolved, That a committee of three be appointed to inquire into the disasters of Bull Run and Edwards's Ferry, with power to send for persons and papers.

The VICE PRESIDENT. The Senator from Michigan asks for the consideration of the resolution at the present time.

Mr. LANE, of Kansas. I do not know that this is the proper time, but I desire to move an amendment to the resolution.

The VICE PRESIDENT. Is there any objection to the consideration of the resolution?

Mr. TRUMBULL. Let it lie over; and then the Senator from Kansas can prepare his amendment, unless he is ready with it now.

Mr. LANE, of Kansas. I am ready.

Mr. TRUMBULL. I have no objection to its consideration.

The VICE PRESIDENT. The Chair hears no objection; and the resolution is before the Senate, and open to amendment.

Mr. LANE, of Kansas. I move to insert Wilson Creek and Lexington, after Edwards's Ferry.

Mr. GRIMES. I move to include Belmont and Big Bethel.

The VICE PRESIDENT. Will the Senator from Iowa again state his amendment to the amendment?

Mr. GRIMES. If I had time I would propose a substitute for the entire resolution authorizing the committee to inquire into the causes of the disasters that have attended the public arms everywhere, including the power to send for persons and papers. I shall propose that as a substitute.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SEVENTH CONGRESS, 2d Session.

TUESDAY, DECEMBER 10, 1861.

NEW SERIES.....No. 2

The VICE PRESIDENT. The question now before the Senate, is on agreeing to the amendment submitted by the Senator from Kansas, to insert the words "Wilson Creek and Lexington" after the words Edwards's Ferry.

Mr. CHANDLER. I hope that amendment will not prevail. The duties of the committee will necessarily be very arduous, but they would extend all over the country if that amendment be adopted. A great deal has been said about the disaster of Bull Run, and it has been attributed to politicians; it has been attributed to civilians; it has been attributed, in my estimation, to everything but the right cause. I think it is due to the Senate and the country that that disaster should be investigated, and that the blame should rest where it belongs; and I think the same of Edwards's Ferry. The scenes of these disasters are right here in our presence; the evidence is at hand; and it will be a very easy matter to investigate those two cases. If the Senator from Kansas desires to investigate those western disasters to which he refers, I am perfectly willing to vote for an independent committee to investigate them; and if the Senator from Iowa wishes to investigate everything, I will vote for his committee too; but I hope this resolution will be permitted to pass as it has been presented.

Mr. LANE, of Kansas. Mr. President, that officer who, in my opinion, deserves as high a position as any other in the military annals of the country, perished at Wilson Creek. He perished after there had been full time to relieve him and to save him. Weeks before Lyon fell, I remember communicating to almost every Senator upon this floor a telegram from him to the Government, in which he said he must have reinforcements or he must give up his position.

The gentleman from Michigan says the people feel a desire to know the reason of the misfortune at Bull Run. There is a stronger desire in the minds of the people to know why the gallant Lyon was sacrificed, and why this Senate failed to act. For the country, and for the people, I say here, that this Senate did not fail to act. We waited upon the President, and communicated to him the information we had received from Lyon. The people desire to know whether it was the fault of the President of the United States or of some subordinate officer. The people desire to know why four regiments of men were sent to Cairo instead of to Springfield; why the regiments at Rolla were not ordered forward. They desire to know why the force at Lexington was sacrificed, consisting of three thousand men, after weeks of notice that the place was to be attacked, and when a tremendous army was moving with a snail's pace, five or six miles only a day, upon that little army of ours under the command of the gallant Mulligan. This Government, or some subordinate officer, with ample force in hand, allowed that disaster to happen. All that was necessary, was to say to this officer or that officer, "move to the relief of Mulligan," and he would have been relieved; but instead of advancing troops, they were ordered back. The people want to know from what source these orders emanated; why it was that the American arms were disgraced at Lexington; why it was that millions of property were lost at Lexington, when it required but a simple word to save the army, to save the stores, and save the disgrace of surrender to traitors.

It is important, Mr. President, I say to the Senator from Michigan, that the reason of the misfortunes and disasters here should be known to the country; but it is more important that dereliction of duty—plain, manifest—should be exposed. Who has been guilty of this dereliction of duty? The President of the United States or some subordinate officer? Let the responsibility of the sacrifice of the gallant Lyon at Springfield and of the fall of Lexington rest upon the proper person. Let us give the names, that the country may know who is responsible for it. This committee can discharge all this duty. It will take

far for the information to ascertain the man that sacrificed Lyon and that permitted Lexington to fall.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Kansas.

Mr. GRIMES. Is a substitute in order?

The VICE PRESIDENT. Not now.

The amendment was rejected.

Mr. GRIMES. I propose to offer a substitute.

The VICE PRESIDENT. If there be no further amendment, the substitute proposed by the Senator from Iowa will now be in order.

Mr. GRIMES. The substitute is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a joint committee, to be composed of two members of the Senate and three members of the House of Representatives, be appointed to inquire into the causes of the disasters that have attended the public arms, with power to send for persons and papers.

Mr. FESSENDEN. I move to postpone the further consideration of the subject until to-morrow. My reason is a very simple one; it has reference to myself; and perhaps the same reason will be appreciated by other members of the Senate. The matter comes upon me by surprise. I am not precisely satisfied, at this moment, of the expediency of passing this resolution. There are many things to be considered, with regard to its effect upon the country, and upon the public service generally. I do not know, I will not undertake to say, that it is not all right, and as it should be; but for myself, I require further time for deliberation and reflection, before acting on a question which involves so many very important considerations. I ask, therefore, that it may be laid over until to-morrow.

The VICE PRESIDENT. The Senator from Maine moves to postpone the further consideration of this subject until to-morrow.

The motion to postpone was agreed to.

REFERENCE OF BILLS.

Mr. GRIMES. I move to take from the table the bill (S. No. 66) introduced at the last session declaring the "act to retrocede the county of Alexandria, in the District of Columbia, to the State of Virginia," to be unconstitutional, and for repealing the same, and to refer it, with so much of the President's message as relates to the same subject, to the Committee on the District of Columbia.

The motion was agreed to.

Mr. POMEROY. I move that Senate bill No. 28 be taken from the table and placed on the orders of the Senate.

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

Mr. FESSENDEN. What is the bill?

The VICE PRESIDENT. "A bill to suppress the slaveholders' rebellion." The motion simply is to take it from the table and put it on the Calendar. Is there any objection?

Mr. FESSENDEN. It had better be referred to the Committee on the Judiciary.

The VICE PRESIDENT. It has not yet been referred to any committee.

Mr. POMEROY. I move that it be referred to the Committee on the Judiciary.

The motion was agreed to.

NOTICES OF BILLS.

Mr. WILSON gave notice of his intention to ask leave to introduce a bill to assist volunteers in taking advantage of the allotment system.

He also gave notice of his intention to ask leave to introduce a bill abolishing sutlers in the volunteer forces of the United States.

Mr. CLARK gave notice of his intention to ask leave to introduce a bill in amendment of the act of September 18, 1850, known as the fugitive slave law.

BILL INTRODUCED.

Mr. NESMITH asked, and by unanimous consent obtained, leave to introduce a bill (S. No.

read twice by its title, and referred, with his petition and papers on the files of the Senate, to the Committee on Military Affairs and the Militia.

COLONEL DIXON H. MILES.

Mr. GRIMES. I move to take up the resolution which I introduced yesterday, calling on the President for copies of the charges, testimony, and finding in the case of Colonel Dixon H. Miles.

The VICE PRESIDENT. The resolution submitted by the Senator from Iowa is now before the Senate, and the question is on its adoption. The resolution will be read.

The Secretary read it, as follows:

Resolved, That the President be requested to furnish to the Senate copies of the charges, testimony, and finding of the recent court of inquiry in the case of Colonel Dixon H. Miles, of the United States Army.

Mr. GRIMES. It will be remembered, Mr. President, that Colonel Richardson, who commanded a brigade of the reserve at the battle of Bull Run on the 21st of July last, reported Colonel Dixon H. Miles, of the regular Army, who commanded the entire reserve force on that occasion, to have been intoxicated—too drunk for the proper performance of his duties. It was for this reason that Colonel Richardson, after receiving several contradictory orders, finally refused obedience. The general-in-chief of the Army thereupon ordered a court of inquiry to investigate the truth of the charge. That court of inquiry has been held, and a most extraordinary conclusion arrived at. They found that Colonel Miles was drunk on the occasion alluded to, to a certain extent; that is, he was drunk enough to justify Colonel Richardson in reporting him to be drunk, but not drunk enough to justify the calling of a court-martial for his trial and condemnation, if found guilty. I will read the finding of the court of inquiry. It is as follows:

"First.—That Colonel J. B. Richardson was justified in applying the term drunkenness to Colonel D. H. Miles's condition about seven o'clock, p. m., on the 21st of July last.

"Second.—That the evidence is clear that Colonel Miles had been ill several days before July 21st last; was ill on that day; that the surgeon had prescribed medicines for him on the day of the battle; and had prescribed for him small quantities of brandy. The court, however, considers his illness as a very slight extenuation of the guilt attached to his condition about seven, p. m., on July 21st last.

"Opinion.—The court is of opinion that evidence cannot now be found sufficient to convict Colonel Miles of drunkenness before a court-martial, and a court-martial cannot be convened for this trial without great inconvenience to the service, and recommends that no further proceedings be had."

It will be exceedingly interesting, Mr. President, to learn how drunk a man may be to justify another in applying that opprobrious term to him, and yet not drunk enough to warrant his trial and removal from command. The country, I think, would like to know the names of the astute officers who composed this remarkable court. It may be desirable to know the quantity and frequency of the prescriptions of brandy that were administered to Colonel Miles that day, and which the court very gravely tell us they consider as very slight extenuation of the guilt attached to his condition about seven o'clock, p. m.

Such was the finding of the court, in relation to the condition of the man who, on the memorable 21st of July last, exercised the most important military command next to that of the commanding general in the field. Let the world know precisely how great his guilt was, and why, if guilty, he has been neither ordered before a court-martial or dropped from the Army list.

Mr. President, the time when intemperate officers can be safely appointed to, or retained in, either the Army or Navy has gone by. The people of this country are now too much in earnest to quietly endure the one or the other. There are no times to indulge in that sickly sentiment sometimes improperly called kindness of heart, and which is unwilling to do or dares not do justice to the country by maintaining discipline and sobriety in the Army and Navy. The people are unwilling to intrust the great interests they

The committee consists of Messrs. McDougall, Pomeroy, Clark, Polk, and Cowan.

Mr. HALE. A special committee was appointed at the last session that has not entirely closed its labors. I inquired of one of the officers of the Senate if it was customary to continue such committees during this session, and was told that it was. From the motion just made, however, I understand otherwise. I therefore move that the select committee appointed at the last session to inquire into the circumstances attending the destruction and loss of the navy-yards at Norfolk and Pensacola and the armory at Harper's Ferry, be continued during this session. In making the motion, I will say that I think we shall be able to make a report by the 1st of January. We simply want to be continued in order to make a report.

The motion was agreed to.

The committee consists of Messrs. HALE, JOHNSON of Tennessee, and GRIMES.

MILITARY DISASTERS.

The VICE PRESIDENT. The business regularly in order is the resolution submitted by the Senator from Michigan, [Mr. CHANDLER,] on Thursday last, to which an amendment was proposed by the Senator from Iowa, [Mr. GRIMES.] The resolution and amendment will be read.

The resolution was read, as follows:

Resolved, That a committee of three be appointed to inquire into the disasters of Bull Run and Edwards's Ferry, with power to send for persons and papers.

The amendment of Mr. GRIMES was to substitute for the original resolution the following:

Resolved by the Senate and House of Representatives, That a joint committee, to be composed of two members of the Senate and three members of the House of Representatives be appointed to inquire into the reason of the disasters that have attended the public arms, with power to send for persons and papers.

Mr. CHANDLER. As the proposition of the Senator from Iowa is a substitute, I presume it is in order to perfect the original resolution before voting on the substitute.

The VICE PRESIDENT. It is.

Mr. CHANDLER. I move to strike out "Edwards's Ferry," and insert "Ball's Bluff." I understand that the battle actually occurred at Ball's Bluff.

The amendment was agreed to.

The VICE PRESIDENT. If there be no further amendment to the original resolution, the question is on agreeing to the substitute proposed by the Senator from Iowa.

Mr. CHANDLER. Mr. President, I hope the substitute will not be adopted by the Senate. I connected together the two transactions named in the resolution because they are properly one disaster. If the disaster had not occurred at Bull Run there would have been no Ball's Bluff affair. I desire to have the opportunity to investigate both these disasters; but I hope the Senate will not give the committee a roving commission to go all over the United States and see whether there have been other disasters, and to inquire into their cause. There certainly should be a committee for the Northwest, if there are any investigations to be made there; and I will vote for a proposition to create another committee to investigate western disasters. I trust the substitute will not prevail.

Mr. POMEROY. Mr. President, before voting for any of these resolutions, I should like to ask the Senate, being myself a young member here, whether we can, through a committee of this body, enter upon an investigation into the character and conduct of any officer, if that investigation is liable to result in an impeachment. As I understand the Constitution, we are the tribunal to try all cases of impeachment; and if these investigations are at all liable to lead to a proceeding by impeachment, I should like to know how the Senate can enter upon them. I do not see how we can sit to try impeachments if we have been devoting our time to the investigation of the facts in advance. I have thought that such investigations should be made by the House of Representatives, and not by the Senate. I shall not urge the point at this time; but it is a point which in my mind applies to all committees to investigate transactions that may lead to the impeachment of Gov-

tion can reach no officer who is subject to impeachment. One of our number has been slain, and the verdict of the Army is that nobody is to blame. One thousand eight hundred men were sent across the Potomac river with two old scows, and overwhelmed and cut to pieces, without any means of retreat. I think the Senate owes it to itself to look into the cause of this disaster. There can be no impeachment; there may be blame. I trust this committee, whoever may compose it, will make a thorough investigation, and lay the blame where it belongs; and then I trust that the proper authorities will apply the appropriate remedy, and see that no such disaster ever occurs again from a similar cause.

Mr. POMEROY. I know very well that military officers are not subject to impeachment; but, as my colleague argued the other day, military officers are not commanders-in-chief; and this investigation may lead us to the fact that orders which resulted disastrously did not issue from military officers, but from headquarters; and we may, in consequence, be called upon to try an impeachment. The other day it was asked here why it was that regiments were sent to Cairo instead of being sent to reinforce Lyon, evidently reflecting, not upon military officers, but upon civil officers—upon the highest civil officer of the Government. I say that these investigations lead in that direction, and therefore we ought not to appoint such committees.

Mr. McDougall. Mr. President, I am opposed to this resolution as it now stands, and to any such resolution. I have felt, I think, as deep an interest as any Senator upon this floor, both in the affair at Bull Run and in that at Ball's Bluff. I have taken great pains to inform myself as to the particulars of both those affairs, and I think I am well informed on the subject—probably as well informed as any Senator would be after the report of a committee; but I cannot understand that any discussion, growing out of such a report, could be of any value to the Senate. I do not think it would be profitable at this time to enter into a popular discussion on those topics. The remedy will not lie in any such discussion. I can see no legislation to flow from it that will be of any service to the Government. If Senators wish to be informed and are not, they have access to the means of information to a certain extent. I have, as I said before, felt a deep interest in the causes of these disasters, and have inquired particularly as to them. I think, however, that instead of promoting the great cause in which we are now so deeply engaged, all these discussions will tend to embarrass it.

Mr. GRIMES. I propose to change the substitute which I offered, so as to make it read: "three members of the Senate and four members of the House of Representatives." I desire to say, Mr. President, that I am not particular as to where and by what method this investigation shall be carried on; I do not care whether it originates in the Senate or in the House of Representatives; but I believe that the best interests of the country, the reputation of the country, the reputation of the Army, and the reputation of the officers of the Army, require that there should be some investigation—if not through the military authorities, then through the authority of the House of Representatives or the Senate, or of both conjoined.

Let me tell Senators that this is no new proceeding. Investigations like this are coeval with the Government. In 1790, during the administration of George Washington, a grand expedition was fitted out to penetrate the Northwest, under the command of General St. Clair. That campaign was disastrous, and a resolution was introduced into the House of Representatives in Congress, to raise a committee for the purpose of investigating the causes that led to that disaster. A committee was raised, and in 1792 a report was made by Mr. Fitzsimmons, of Pennsylvania, in response to that resolution. Up to that time there had been an almost universal and a very intense prejudice throughout the country against General St. Clair; it was believed that he was responsible for the disasters that attended that campaign; but when the facts were thoroughly investigated by the committee, and spread before the country, the public sentiment on that subject underwent an

to the officers, to the soldiers, and to the country, demands that we should have some sort of investigation now, and know where the blame does rest for the disasters that have occurred in the course of the struggle in which we are engaged.

In regard to the battle of Bull Run, we know that it has been trumpeted through the newspapers that the whole of that disaster was attributable to the fact that there were fifty or sixty civilians on the ground; and there are simpletons enough in the country to believe that fifty or sixty or a hundred civilians, two or three miles in the rear of the Army, actually created the stampede which resulted so disastrously to our reputation. I heard it declared in a sermon—at the delivery of which I happened to be present—that it was because the battle was fought on a Sunday. I have heard regular officers declare that it was because of the cowardice of the militia; and I have heard others say that it was because men who were mere bureau officers, mere carpet knights, were elevated to the responsibility of commanding the Army. Let us know whether that is so or not; let us know whether men are selected for these responsible places because they are thoroughly educated in military affairs, and are capable of stimulating their commands by their own bravery and knowledge of military affairs, or because they happen to be more skilled in the arts of gastronomy than in the arts of war.

So, Mr. President, in regard to the campaign in the West. We heard the version of the Senator from Kansas the other day, and the ideas that are entertained by those who are disposed to criticize and condemn the conduct of the late commanding general of the western department. The friends of that commanding general entertain altogether different opinions on that subject. They believe that he was not responsible for the disasters in that campaign; they believe that he had a right to expect that General Lyon would fall back upon his reserves at Rolla, and not put everything at stake upon the issue of the battle at Wilson Creek. Let the country know what are the facts. If they condemn General Frémont, let him be condemned; if they justify him, then in God's name let him be justified.

Mr. LANE, of Kansas. Will the Senator allow me to make a single remark?

Mr. GRIMES. Certainly.

Mr. LANE, of Kansas. I did not intend, Mr. President, to attach blame to any particular individual, neither the President of the United States nor the commander of the western department. There is no one who has a more exalted opinion of the ability, the honesty, and the patriotism of the President of the United States than myself. I do desire, however, representing a State that lost a large number of men at Wilson Creek, to have a full investigation of the causes that led to that misfortune. I know that the troops were within reach to reinforce the army at Wilson Creek. I know that there were troops in hand to reinforce Mulligan; and I do believe that there has been dereliction of duty or want of capacity somewhere. Who has shown this want of capacity, our people desire to know.

Mr. GRIMES. I hardly know whether the remarks of the Senator from Kansas are to be regarded as a disclaimer of the idea that I entertained of the drift of his argument the other day, or not. I inferred from what he said then, that he attributed the disasters of the campaign in Missouri, to the conduct of General Frémont. I may be in error.

So, Mr. President, in regard to Lexington, to which the Senator refers: It has been said that few military men could have imagined that Colonel Mulligan, with a command consisting of one regiment of infantry, one regiment of horsemen with nothing except sabers at their disposal in the way of weapons, and half a regiment of home guards, would throw himself into little intrenchments that had been thrown up in the course of three days, and there, without water, undertake to defend himself against an army which was known for at least six days to be approaching him, composed of twenty-three thousand belliciferents. I do not know that that is so; but I say that that is the opinion entertained by the friends of General Frémont, and it is a question which we ought to investigate, that the country may

this investigation ought to be gone into before military authorities; but the military authorities have not seen fit to make the investigation, and hence I insist that it is the right and the duty of Congress to make it.

I have referred to the institution of a similar inquiry to this in 1792. I now refer to the resolution introduced by Mr. Bradley, of Vermont, on the 9th day of July, 1813, which reads as follows:

Resolved, That a committee be appointed to inquire into the causes which have led to the multiplied failures of the arms of the United States."

It is general, it will be observed, as the substitute which I have proposed—

"on our western and northwestern frontier, and that the committee be authorized to send for persons and papers."

That resolution was not at that time adopted. It was defeated by a vote of 76 to 67, but solely for the reason that it was in July, and at that time it was believed that a committee of the House of Representatives, or of the Senate, had no right to sit in the recess. That is the reason assigned in the arguments of the gentlemen who debated it *pro and con*.

Mr. WILSON. Was that in the Senate or in the House of Representatives?

Mr. GRIMES. In the House of Representatives. Governor Findley, who was a member of the House of Representatives from the State of Pennsylvania, urged in behalf of this resolution the following arguments:

"Mr. Findley stated that in 1790 an expedition, commanded by Colonel Harmer, composed of his own regiment and detachments of militia from the neighboring States, including Pennsylvania, having been carried against the Indian towns and totally defeated, Congress provided a more numerous army of enlisted levies, which composed the expedition commanded by General St. Clair, in 1791, against the Indian towns. This expedition also was not only defeated, but so completely destroyed that a new and more permanent army had to be raised and organized, the accomplishment of which was very much discouraged by such repeated and destructive defeats. In order, as far as possible, to prevent the recurrence again of such misfortunes by means of any defect in the intended organization of a new army, a committee was appointed to inquire into the causes of the failure of that unfortunate expedition. The committee, towards the close of the session, accompanied a concise report with a great mass of the testimony, but the inquiry not being deemed sufficiently full, the subject was recommitted to a committee, composed of the same members, the next session, who sat and continued their inquiry until near the close of that session also, when they made another concise report, explaining and confirming the former one, supported by much new testimony. The session being near a close, the proceedings were not published, but the testimony and the books of information given in by the parties principally interested are still in possession of the House. There was, as is the case in all unfortunate expeditions, strong prepossession against the commander. By the inquiry, the grounds of these were removed, and the causes found principally to arise from the general plan, the construction of the army, and delay and insufficiency of supplies of all sorts, badness of the gunpowder." &c.

At the next session, Mr. President, this resolution was modified and was adopted, and in pursuance of it an investigation was had.

I have alluded to these precedents in order to show that there is nothing novel in this resolution; that similar resolutions have been adopted by Congress to investigate into the results of other military campaigns; and that, in my opinion, there are peculiar reasons why we should have a thorough and searching investigation into the disasters that have attended this campaign.

Mr. FOSTER. Mr. President, I have no doubt, as the honorable Senator from Iowa says, that there are precedents for inquiries and for committees of this sort; but they have been made under circumstances very different from those in which we are now placed. The Senator will search in vain for any precedents at all applicable, for the country has never been in any like condition. Old precedents will not apply to the present exigency.

The honorable Senator says this is a proper inquiry for the military authorities to make, that they ought to make it, and as they do not make it, it is our duty to make it. Mr. President, I differ entirely from the honorable Senator in his conclusion from those premises. If this is an inquiry which the military authorities ought to make, and they do not make, I for one, as a member of this Senate, will not vote to make it at the present time. I take it for granted that if the military authorities do not investigate this question at the present time, they believe that this is the wrong time; and, without being a military man, I can see very abundant reasons why this

We have, sir, an enemy, not at the gates of the capital, but we can occasionally hear their cannon. Our Army is posted between us and them, and their paramount duty, in my opinion, is to attend to their duties in the field. If the military authorities commanding that Army have postponed any inquiry into this subject for the reason that the men connected with it have higher duties at the present time than to sit in courts-martial, I certainly shall not differ from them, but concur with them in opinion. I shall not attempt to call them away from their duties in the camp or on the battle-field, in order that we may find out who is to blame for a disaster which happened a few weeks or a few months ago.

Suppose we raise a committee and give them power to send for persons and papers, we send for half a dozen officers in camp, just on the eve of a battle, to come here and testify before our committee. Will these gentlemen come? If I were the commanding general I would imprison the man who was sent if he attempted to take them away under such circumstances, and would say to Congress, "here is a state of war; here is a battle impending; my men and my officers cannot be sent as witnesses to testify before a committee of Congress just now; we must first fight the public enemy." That is what I would say and do as a military man having command of the Army, and I believe that there is not wanting sufficient energy and sufficient power in our military authorities to say it and do it, should the occasion arise. I put it as a hypothetical case, but it is not improbable that it may occur. Many of us think that the Army is too inactive, and are now rather eager for a battle. We cannot have men in the field fighting a battle, and have them here in our committee rooms testifying as to who was to blame for a disaster. It is a little unreasonable to expect both these things at one and the same time.

I believe in letting the military authorities manage the Army. If they manage it badly we shall make a bad matter worse by tampering and interfering, and that is all that will grow out of our action. If it is badly managed now I am sorry; I do not believe it is; but if it be, in Heaven's name do not let us make it worse by tampering, for worse we shall make it, and only worse.

Now, sir, let the military authorities manage this question. If they do not order a court-martial or a court of inquiry when it is proper to order one, after this war is over, if it becomes necessary to find out who is to blame, let Congress take it up and examine and settle that question if it be important to settle it, and meantime let the military authorities alone. I believe they are competent; but if they were ever so incompetent, I would not add obstacles in the way of their progress by any inquiries or resolutions of this sort, for very clearly they are and must be obstacles to the active prosecution of this war.

The Senator from Iowa says that the responsibility of these disasters is thrown upon this, that, and the other class of persons; and that at Bull Run, the civilians, fifty or a hundred of whom were there, are charged with having, in the rear of the Army, provoked this stampede, and that there are a great many simpletons in the country who believe it. The honorable Senator himself was there; I was there. He certainly has nerve enough to bear the sneers of simpletons. I trust I have; I know he has. If civilians are improperly charged, let us sit under the charge; at all events while this war is going on. We can bear it till that is over.

One class of military authorities is charged with dereliction, and so is another class, he says, and let us find out which is in fault—whether it be the carpet-knights, or whether it be the militia—this class, or that, or another. All very well at a proper time, Mr. President; but the time is not now. An inquiry into this matter will call men away from higher duties, which is a sufficient objection; and even if we could get over that objection, we should at the present time only create divisions and heart-burnings, which we can ill afford just now. We need union, energy, to save our country. Let us, as one man, put our shoulders to the car of war and press it on to victory, and not inquire who has been at fault for its slow movement, or why it has not before been pressed

ject was laid over until to-day at my suggestion. I stated at the time that I thought it was a matter upon which Senators should have a little more opportunity for reflection; that I needed it myself before being able to come to a conclusion as to the propriety or expediency of passing this resolution in any form. I see that it has done good, because it has resulted in a consideration of the matter evidently arising from the thought that has been given to it on the part of Senators; and I trust we shall come to a proper conclusion.

I had very great doubts about the expediency of it at the time I made the suggestion. Reflection, however, has satisfied me that no harm can come of it, and that much good may arise from it. I cannot agree with my honorable friend from Connecticut, that we are meddling with that which is none of our business. I do not accede to the correctness of the doctrine which has been advanced in the newspapers and in conversation, and which seems to be adopted by the honorable Senator from Connecticut, that Congress has nothing in the world to do but pass appropriations, and leave other public agents to dispose of the money at their pleasure, no matter what may be the opinion of the country and the opinion of us, as Senators, as to the manner in which the means placed at the disposal of those agents have been or shall be used.

Mr. FOSTER. If the Senator will allow me, he certainly misunderstood me, if he understood me to advocate any such doctrine as he seems to suppose I advocated. I do not say, in regard to this subject, that the Senate have not the power, and that it is none of our business; by no means. I say, as a military question, I prefer to leave it during this war to the military authorities, and not now to interfere with it; but, at a subsequent time, if the proper military authorities do not investigate it, and it be deemed desirable, we can investigate it.

Mr. FESSENDEN. That leads to the same result, sir. It is only coming at it in another way. If we are to remain perfectly quiet until the end of the war, it follows necessarily that all we have to do is to make the appropriations called for, and let them be expended precisely as the persons in whose hands they pass may choose, without making any question during the period of the war as to what is done with the money or what is the conduct of public agents, because all are public agents.

Now, sir, with reference to this subject, many things are to be considered. We are placing a great burden upon the people of this country, or rather the people of this country are placing a great burden upon themselves. They are doing it willingly, cheerfully, resolutely, without a throb except such as we all feel is for the good of the country and the attainment of the great objects of the war. Therefore, sir, while such is the feeling, and while we are their agents (because it is in Congress to declare war, and in Congress to provide the means of carrying on war,) it behooves us most carefully to look at the course of proceedings relating to the conduct of the war; not, as my friend suggests, in any carping spirit; not with the slightest idea of throwing an obstacle in the way; but with every wish and with every determination to urge it on, and to furnish everything that may be necessary in order to its favorable, happy consummation.

Then, sir, what is our duty? We see many things done about which those whom we represent feel great anxiety. We see many things done which do not meet the public approbation. We see some things done which we do not approve ourselves, and which evidently call for an investigation, or, at any rate, call for such an explanation as shall satisfy the people. Now, what are we to do? Sit idle during all the period that this war is to progress, be it for a longer or a shorter time; or are we manfully to do our duty, and when the occasion presents itself in the progress of the war, inquire in what manner it is conducted? Sir, I hold the very contrary of the doctrine that we are to leave everything without question, without the slightest complaint, without any inquiry even as to the conduct of this war by the public agents. We know that every day wrongs are perpetrated; we know that every day there are gross frauds perpetrated upon the country by a certain class

been sacrificed without reason; and we do not know how it was done or by whom it was ordered. I allude to one of the cases that is mentioned in the original resolution—the disaster at Ball's Bluff, I believe it was called. There is but one opinion about that throughout the country.

Well, sir, the reputation of our officers is at stake. The Administration, in the discharge of its duty—I have no question, for I throw no fault upon anybody; I am a friend of the Administration, and its supporter—has seen fit to take certain steps with regard to men. I do not complain of it. They know, unquestionably, what they are about. But, sir, while there is this agitation in the public mind; while there are so many ideas afloat; so many accusations, unfounded, perhaps, in a very great degree; and no inquiry is made and no step taken to enlighten the public in relation to the matter—that public which carries on this war, and which furnishes the means for carrying it on—shall we, who are the agents of that public, be told that during its progress, be it longer or shorter, we are to ask no questions, make no complaints, no investigations, know nothing, say nothing, and inquire nothing about it? I should conceive myself derelict to my duty if I were to indulge that idea for a single moment. I hold it to be our bounden duty, impressed upon us by our position here, to keep an anxious, watchful eye over all the executive agents who are carrying on the war at the direction of the people, whom we represent and whom we are bound to protect in relation to this matter.

Nor, sir, do I see at all the difficulty that is stated by the honorable Senator from Connecticut. Are we not men of some degree of sense and discretion? Are we sent here, Senators, chosen men of States, Representatives, the select men of the people in the several districts, without any idea whatever of a correct and proper course of proceeding in relation to this matter? Is it probable that we should take a general from the head of his army at the moment that he is about to fight a battle? It is said that that has been done, not by Congress, but by the executive agencies. Whether it is so or not, I do not pretend to know or say. I have no opinion upon that subject at all. Sir, we can make this inquiry at the present time; and if an inquiry is necessary, it is necessary before we undertake to appropriate the hundreds of millions of dollars that we must appropriate and put into the hands of these agents. We must satisfy the people of this country that things go on well, or we shall find ourselves in a condition very soon when they will not go on at all.

If we should send our messenger to summon or command or request the attendance of an officer here to give testimony at an improper time when he was needed elsewhere, I take it we should accept his excuse; but if a commanding general undertook to imprison our messenger for obeying our order, I am very glad that my friend is not the general; for I am afraid if he took such a course he would get himself into a difficulty from which he could hardly extricate himself.

Sir, we are not under the command of the military of this country. They are under ours as a Congress; and I stand here to maintain it. Say what men may, we are not second; we are first, for we are the representatives of the people, and our behests, so far as they are within the limits of our constitutional authority, are to be obeyed by all. I never will consent that I am second and under the control of the military of this country, either in this District or out of it, when I stand here in the discharge of my duty as a Senator.

I hold then, sir, that this inquiry is eminently proper, and I hold also that it is proper with reference to the reputation of officers. Rumors are circulating throughout the country in all directions that this officer or that officer—men of eminence, men of fame, men whom we have put in high places, or who have been put in high places by the Executive in pursuance of the laws of the land—have not done their duty. Well, sir, is this to go on from week to week, month to month, and perhaps from year to year, with unfounded imputations, perhaps, resting upon the fame of men? I hold not. It is due to them. I am not disposed to throw any imputation whatever upon anybody for not making an inquiry heretofore. The question is, whether we can order it? That is conceded.

this particular time; that the representatives of the people who are carrying on this war deem it their duty to keep a watchful eye over the proceedings of executive agents whatever they be called and whatever may be their position.

Since this resolution has been moved (perhaps I would rather have deferred it until a later time) and the question has been raised, I see no harm to come from it. I believe that sound, sensible, and judicious men can be found in Congress to do all with reference to this investigation that may be necessary, without careless and premature publications of words caught up here and there with reference to men or to things; that they can wisely and carefully investigate and give to us, if needed, the result of their investigations. I believe there are no better friends of this country, that there are no men more in favor of carrying on this war well and supporting the Administration in whatever it does that is right and proper, than those in this Chamber. We are the friends of the Government, and we are the supporters of the present unfortunate, unhappy war on the part of the United States against the rebels. Sir, I trust that we shall not withdraw from our duty; but as we are the friends and supporters of the measures now in contemplation for a great purpose, one which will make a passage in history hardly to be excelled in importance by anything that has been or can be written there, that we shall do our duty faithfully and fearlessly in the discharge of the high trust that is imposed upon us, without reference to any fear of what may happen to others.

Mr. CHANDLER. Mr. President, I should have preferred the original resolution, but I see there is a difference of opinion about it. I, therefore, accept the amendment of the Senator from Iowa, and trust it will receive a unanimous vote, and that the Senate and the country will be satisfied with the action of the committee.

The VICE PRESIDENT. The original proposition having been voted on by the Senate is now within the power of the Senate, and it is not therefore competent for the Senator to accept it. It will require a vote of the Senate.

Mr. SHERMAN. Mr. President, I concur with what has been said by the Senator from Maine; but I think the resolution does not go far enough. If Senators will observe the phraseology of the resolution, they will perceive that the inquiry is confined to the disasters of the war. Sir, it seems to me that a broader inquiry is the chief duty of this session. The business of voting appropriations is easily disposed of; but if we ignore the high duty imposed upon us as representatives of the people to investigate the conduct of the war and of all the officers of the Government, we neglect the chief duty that is now imposed on us. To confine this inquiry to the disasters of the war would be to cripple and limit the proposed committee in all its operations. In my judgment, this ought to be a committee of inquiry into the general conduct of the war.

There are many things that have occurred during the course of this war that need our inquiry. Not merely the misfortunes in the field at Ball's Bluff and other places, but many orders that have been issued from different departments of the Government, the conduct of many of our generals in the field, the conduct of many of the officers connected with the commissary and other departments of the Government—all these should be rigidly inquired into without fear, favor, or affection. We all know very well—we have read it in the newspapers within a few days—that one of our generals said, in regard to operations in South Carolina, that he would not take any of the cotton there, which was being constantly destroyed by rebels in arms, unless he could buy it from a white man. If any general in our Army uttered such a sentiment, he ought to be withdrawn from command as unfit for duty.

It is also said in the newspapers, that another general has excluded slaves and negroes from his camp. That may be proper as a military measure, but the reason given for that exclusion is not proper, and is dishonorable, it seems to me, to a military officer. To say that those persons who, according to experience, have given us the most reliable information, shall be excluded from our camps because they are spies and would convey

have acted as rebels, but I believe there has been no case where these ignorant people, who have been excluded from camp by one of our general officers, have ever been found wanting in duty or in allegiance to this country. Therefore, I consider such an order upon such a pretense as highly improper.

But there is another thing, Senators; one of the most remarkable that has happened in any war. One of your high officers of the Government—the Adjutant General of the United States—travels all over the country, outside of his office, to pick up scraps of testimony, stuff that would not be introduced before any justice of the peace, collects them together, presents them to the President of the United States, and has this lot of stuff—I can call it by no other name—published. Men's characters, men's reputations, that are dear to them, are put at hazard by conduct like this. Private conversations held in the confidence of friendship; loose opinions drawn from military associates perverted and torn from their context; secrets of high importance for which the spies of the enemy would seek in vain, all are published, and that, too, by the officer who must, from his official position, be entrusted with all the secrets of the Army. If Senators overlook this act of a high officer of the Government they fail to do their duty. I do not care whom it strikes, or where it strikes; if any man in this Government should, with good or bad motive, do anything to injure his country, he ought to be exposed, whatever may be the consequences.

Mr. President, when I came to the city of Washington I could not help but notice the striking contrast between the feeling here and the feeling at home. Among the people of the States there is everywhere a fine, generous, noble enthusiasm. Men are willing to give up their lives to their country. I came from a region of country where I saw men worth thousands of dollars, living in independence, with every comfort around them, come forward and sign their names to an enlistment by which they engaged to serve as common soldiers in this war. I saw old men bring their sons, robust, stalwart youths, to fight for their country. I saw mothers and fathers all willing to give at least one or more members of their family to fight the battles of the country. Everywhere there was the same fine, generous feeling, and a desire to carry on this war with vigor and energy. I do not see that feeling manifested here. On the contrary, in many departments of the Government there have been constant impediments thrown in the way of the organization of our military forces. I speak this knowing what I say, and willing to prove it.

I have been told by one officer of the Government that if you take the regular officers of the Army and attach them to the volunteers you would break up the old Army. Why, sir, where is the old Army? Some of the most intelligent and able of that Army are now fighting against us. Much of the old Army surrendered, without striking a blow, in Texas. What has become of the old Army? It ought to be among the things of the past. All there is good left of the old Army should be distributed among the volunteers. Young men of high intelligence, who have been educated at the expense of the Government, are now chasing drunken recruits in the large cities for the purpose of filling up the regular Army, while thousands of fine, spirited young men from the country are begging for a commander. That course of policy has been pursued from the beginning of the war. In order to preserve the *esprit de corps* of the old Army, men of education, of character, and of experience, have been withheld from the service of their country in the only place where they can render that service, and have been kept recruiting in the whisky holes of the cities. Sir, it seems to me that is not the spirit that must guide this war before it can come to a successful conclusion. It seems to me, if we could all here catch the spirit that prevails in the country, if we could all here feel as our people at home feel, this war would not last long. There every man is inspired with a conviction that this war is simply to preserve our country; to preserve its nationality; to preserve its history; to show to all nations and to all time that a republican government can survive at least a century of peace and pros-

ple of the northern States, and all the loyal people of this country, are actuated by one idea: that it must be carried on with whatever sacrifice and cost simply to preserve our nationality, and to preserve the unity and indivisibility of this Republic.

I know that very often, especially by some of my friends whom I now see before me, the question of slavery and the negro is spoken of in this contest. I record here my solemn conviction that before this war is over slavery will almost, if not entirely, cease to be in this country; but at the same time I say that this war ought to be carried on without any regard at all to the subject of slavery or slaves. It ought to be carried on to preserve a free government for free men, without regard to that institution at all. It must be carried on in that spirit, or else we are divided and distracted by dissensions and strifes. Let us carry it on in that spirit. Let us convince every loyal citizen, wherever he may live, that the object of this war, its purpose and only end, is to preserve the Government of our fathers.

My mode of dealing with that troublesome question (if it is proper to allude to it here) would be this: I would do everything to strike at rebels; confiscate their land, their houses, their slaves, anything. When they take up arms against this Government, when they commit the act of rebellion, they forfeit their lives by the Constitution of the United States; they lose everything. I would do everything to protect and uphold the loyal people of these United States wherever they live, in Tennessee, in Kentucky, in Virginia if there are any left. Everywhere, wherever they may be found, I would uphold their hands, secure them in all their local rights, support, and defend them. Confiscate everything you choose that is the property of rebels, and I will join with you—their slaves, their property, everything take from them; but stand by those who amid trials stand by you and their country. I imagine, when the Government of the United States confiscates negroes and slaves, and is substituted in place of the owners of that property, that the Government of the United States will not sell those slaves; and you can all see the logical effect of this doctrine. At the same time, you must conduct this war not only with energy and spirit, but so as to convince all loyal people, without regard to previous political relations, without regard to sections or localities, that this war is conducted for the preservation of the Government, for the Union and the Constitution. Then let it be conducted with energy, and infuse into all the departments of this Government the spirit that pervades your people, and I tell you this war will end; and instead of being a record of disasters, as it has been heretofore, it will be a proud record to which you and your children may point for ages to come.

Mr. GRIMES. In order to meet the views of the Senator from Ohio, I propose to modify the substitute which I have offered, so as to make it read:

Resolved by the Senate (the House of Representatives concurring): That a joint committee of three members of the Senate, and four members of the House of Representatives be appointed to inquire into the conduct of the present war, and that they have power to send for persons and papers, and to sit during the sessions of either House of Congress.

Mr. HALE. It strikes me that is a little too broad; it is not quite pointed enough. I think that while the conduct of the war generally should be inquired into, there are one or two events in its progress that deserve to be pointed at a little more than this general resolution does. I confess that amongst those I think is that one alluded to in the resolution originally introduced by the Senator from Michigan—the disaster at Ball's Bluff. I think the sentiment of this country looks upon that as one of the most egregious crimes that was ever committed. It was without excuse or apology. Sir, there were some of the best citizens of New England, and especially of Massachusetts—I have no right especially to speak of them—that were thrown like slaughtered animals into the Potomac, and some of the best blood of New England was wasted and sacrificed on that occasion; and as gallant and eloquent a man as ever graced this Chamber was ruthlessly slain, and, in the opinion of the country, sacrificed, slaughtered. I think it deserves a little more pointed place in the resolution than it has in the

hands of the Senator from Michigan, however, I will leave it with him, but these are my convictions.

Mr. CHANDLER. I take it that the committee, under the resolution as it now stands, will have power to investigate the specific cases alluded to by the Senator from New Hampshire. I am satisfied with the resolution as it stands.

Mr. HALE. I move to add, "especially the disaster at Ball's Bluff."

Mr. CHANDLER. Very well; I will accept that amendment.

The PRESIDING OFFICER, (Mr. MORRILL in the chair.) It will be considered as so amended, if there be no objection.

Mr. WILSON. I think we had better stand on the resolution as modified by the Senator from Iowa. That is a general proposition, and covers the whole case; and, as a Senator suggests to me, the committee may be instructed at any time.

I have a right, Mr. President, to feel as deeply as any Senator can feel in regard to the disaster at Ball's Bluff, and I have listened attentively to the remarks that have been made in regard to it. I have not the information that leads me to give an intelligent opinion upon that subject. I think none of us have the information that will enable us to fix the responsibility anywhere. We cannot say who is responsible, nor whether it shall rest with the living or the dead.

The committee will have the general power of investigating all these subjects; and I think that ample and sufficient. I was glad to hear to-day the Senator from Ohio make the suggestion that this proposition should cover something more than a few battle-fields. It seems to me, sir, that we have had a series of military mistakes made; but the greatest mistakes after all that have been made in this war, have been the series of irresponsible proclamations made by generals in the field. It is time these proclamations ceased. I would put a law upon the statute-book forbidding any general to issue a proposition or an order concerning the rights of any classes of the community, unless that proposition or that proclamation came from the executive department of the Government of the United States. I think the time has come when these proclamations should cease; when this nation should cease to speak to the world with a forked tongue; and when the Government of the country should have a consistent policy in regard to these measures.

As to the failures in the field, it is very easy, sir, to criticise them; but we should all remember that we have no men in America of military experience on anything like the scale on which they are now required to act. We have had a little army of fourteen or fifteen thousand men. No man in this country ever led into action before this war twelve thousand men. We have an army now in the field of half a million of men. We have generals who have been trained in the military service of the country, but on a small scale. We are calling the military talent of the country into the field. It takes more than twenty thousand officers to officer the military force now in the field in this country, and we have but very few men that can claim any military experience. Those who have any military experience, have it upon a very small scale indeed.

That mistakes have been made and will be made, no one can doubt. We should expect them. Military mistakes were made in the Revolution, and in the last war with England, and they will be made until our armies are trained and fitted, as soldiers, for their duties. We have had, I think, some of the grossest blunders, but I believe the greatest mistake of all, in a military point of view, has taken place down on the coast of the Carolinas.

I am willing, sir, to have this investigation. I have no doubt a committee of the two Houses of Congress will act judiciously, and that facts will be brought out that may explain the affairs that have taken place, and put the responsibility of mistakes where it justly belongs; but I go for it more for the future than for the past, for we should teach men in civil and in military authority that the people expect that they will not make mistakes, and that we shall not be easy with their errors. The public voice demands that all the capacity, all the character, all that man has, and

to stand upon technicalities for the preservation of the old Army, or the getting up of a new one. Such things are all to pass away, and they are to toil night and day to bring this war to a successful conclusion. We cannot help the past. I should like to see the responsibility of the errors of the past placed where it belongs; but I think the proposition before us showing the tone and temper of Congress; showing, I think, the will of the people at home, will teach a lesson that may be heeded, and may be, therefore, conducive to the public good. I vote for it more in the hope of the good that is to be done in the future by it, than to bring before the country the mistakes of the past, or to fix the responsibilities upon any class of men.

The PRESIDING OFFICER, (Mr. MORRILL in the chair.) The Senator from Iowa proposed to modify his resolution; and the question is upon agreeing to that modification. The Chair will consider that as the sense of the Senate unless objection be made. The Chair hears no objection; and the question now recurs on the adoption of the resolution, as modified.

Mr. LATHAM. I call for the yeas and nays upon that question.

The yeas and nays were ordered; and being taken, resulted—yeas 33, nays 3; as follows:

YEAS—Messrs. Anthony, Browning, Chandler, Clark, Cowan, Dixon, Doolittle, Fessenden, Foster, Grimes, Hale, Harlan, Harris, Howe, Johnson of Tennessee, Kennedy, King, Lane of Indiana, Lane of Kansas, McDougall, Morrill, Pearce, Pomeroy, Powell, Salsbury, Sherman, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, and Wilson—33.

NAYS—Messrs. Carlile, Latham, and Rice—3.

So the resolution was agreed to.

On motion of Mr. GRIMES, the Senate then adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, December 9, 1861.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. THOMAS H. STOCKTON.

The Journal of Thursday last was read and approved.

MESSRS. CRITTENDEN and MALLORY of Kentucky, BROWN of Virginia, BROWNE of Rhode Island, and WOOD of New York, appeared in their seats to-day.

DELEGATE QUALIFIED.

Mr. BLAIR, of Missouri. I rise to a question of privilege. I present the credentials of JOHN B. S. TODD, Delegate elect from the Territory of Dakota. I ask that he be qualified.

Mr. TODD appeared and qualified by taking the usual oath to support the Constitution of the United States.

CLERK TO A COMMITTEE.

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

Resolved, That the Committee of Accounts be authorized to employ a clerk, at the usual compensation for the time actually and necessarily employed.

VIRGINIA CONTESTED-ELECTION CASE.

Mr. DAWES. I rise to a question of privilege. I am instructed by the Committee of Elections to report the following resolution:

Resolved, That S. F. Beach, contesting the right of Hon. Charles H. Upton to a seat in this House as a Representative from the seventh district of the State of Virginia be, and he is hereby, required to serve upon said Upton, within six days after the passage of this resolution, a particular statement of the grounds of said contest, and that said Upton be, and he is hereby, required to serve upon said Beach his answer thereto in six days thereafter, and that both parties be allowed twenty days next after the service of said answer, to take testimony in support of their several allegations and denials before some person residing in said district or the District of Columbia, authorized by the laws of Virginia or of the United States to take depositions; but in all other respects in the manner prescribed in the act of February 19, 1851.

The resolution was adopted.

Mr. DAWES. At the last session, the House ordered the papers in this case to be printed. For some reason or other that order has not been complied with, and I renew the motion now that all the papers in the case of that contested election be printed.

The SPEAKER. The Chair is informed by the Clerk that the order was made last session.

CONDUCT OF THE WAR.

A message from the Senate, by JOHN W. FORNEY, Esq., its Secretary, announced the adoption by the Senate of the following concurrent resolution:

Resolved by the Senate, (the House of Representatives concurring.) That a joint committee of three members of the Senate, and four members of the House of Representatives, be appointed to inquire into the conduct of the present war, that they have power to send for persons and papers, and to sit during the sessions of either House of Congress.

Mr. WASHBURNE, by unanimous consent, moved that the House concur in the resolution, and demanded the previous question.

The previous question was seconded and the main question ordered; and being put, the resolution was concurred in.

Mr. WASHBURNE moved to reconsider the vote by which the resolution was concurred in; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

HOMESTEAD BILL—AGAIN.

The question recurred on Mr. POTTER's demand for the previous question on the homestead bill.

Mr. VALLANDIGHAM. I desire to say that the bill reported from the Committee on Public Lands is precisely the same as the one referred to by the gentleman from Illinois, [Mr. LOVEJOY,] up to the sixth section.

The previous question was seconded and the main question ordered; and being put, the motion to postpone the further consideration of the bill until Wednesday next was agreed to.

BALTIMORE POLICE COMMISSIONERS.

Mr. BINGHAM. I am instructed by the Committee on the Judiciary, to whom was referred the memorial of Charles Howard, William H. Gatchell, and John W. Davis, police commissioners of the city of Baltimore, to report back the same, with a recommendation that the committee be discharged from its further consideration.

Mr. PENDLETON. Is it in order to move a recommitment of that report?

The SPEAKER. Yes, sir.

Mr. PENDLETON. Mr. Speaker, as a member of the Judiciary Committee, I felt myself obliged to examine very carefully the questions which arise on that memorial. I have formed a very decided opinion as to all of them, and as to the proper course to be pursued by this House in regard to them. It is a subject involving the personal liberties of the citizen and their constitutional guarantees. There is, therefore, since I disagree entirely to the report of the committee, no choice left to me in the performance of what I understand to be my duty as a Representative and as a member of that committee, but to make every effort in my power to induce the House to give what I think is a proper response to a respectful petition.

I move to recommit this report to the Committee on the Judiciary with instructions to report a resolution which I send to the Chair, and on which I shall ask the attention of the House for a few moments.

The resolution was read by the Clerk, as follows:

Resolved, That the Congress alone has the power, under the Constitution of the United States, to suspend the privilege of the writ of *habeas corpus*; that the exercise of that power by any other department of the Government is a usurpation, and therefore dangerous to the liberties of the people; that it is the duty of the President to deliver Charles Howard, William H. Gatchell, and John W. Davis to the custody of the marshal of the proper district, if they are charged with any offense against the laws of the United States, to the end that they may be indicted, and "enjoy the right of a speedy and public trial by an impartial jury of the State and district wherein the crime" is alleged to have been committed.

Mr. PENDLETON. Mr. Speaker, I propose to detain the House for a short time in the discussion of this resolution.

Mr. LOVEJOY. Is that in order?

The SPEAKER. It is.

Mr. LOVEJOY. I thought the Chair was calling committees for reports.

The SPEAKER. Yes; this is a report made from the Judiciary Committee, and is before the House.

Mr. PENDLETON. I have no disposition to consume the time of the House this morning; but I desire to address the House on this subject,

Mr. BINGHAM. With the leave of my colleague, I will suggest that this matter be postponed till a day certain, and made a special order, so that my colleague can be heard, if he desires.

Mr. PENDLETON. It will be agreeable to me either to go on to-day with what I have to say, or at any other early day—to-morrow or next day—as may suit the convenience of the House. I have no disposition to intrude on it at any inconvenient hour. [Cries of "Go on now!"]

Mr. BINGHAM. There is a special order assigned for the day after to-morrow.

Mr. PENDLETON. It seems to be the will of gentlemen around me that I should go on now.

Mr. BINGHAM. Very well.

Mr. PENDLETON. These memorialists are members of the board of police of the city of Baltimore. They were selected by the Legislature of the State of Maryland to carry out the provisions of a law which had then just been enacted. By those provisions, the whole police power of the State, within the limits of that city, is intrusted to the board. No police force can lawfully exist in Baltimore, unless by its appointment, and subject to its control. The officers and men of the force, when appointed, have no independent authority by virtue of their office; they are only employed, by the very terms of the statute, to enable the board to discharge its duties. Heavy penalties are denounced against any persons who shall forcibly obstruct the execution of any of the provisions of the law, or who shall interfere with the performance of the duties of the commissioners; and it is made part of that duty to see that such penalties are rigidly enforced. The commissioners cannot delegate their powers, nor devolve upon any other persons their duties, nor avoid their responsibilities, nor can they permit their powers to be usurped, and their duties to be performed by any other agency, without a palpable infraction of the law.

Before entering upon the duties of their office, the members of the board were sworn faithfully to carry out the provisions and policy of the law. They were in the full and successful execution of their duties on the 27th day of June last. The peace of the city of Baltimore was then unbroken. The courts of the United States were in full operation. The judges, district attorney, and marshal were performing their accustomed functions. The process of the courts had been obstructed in but one memorable instance, and then by the order of the President.

On that day General Banks issued the following

Proclamation to the People of the City of Baltimore.

HEADQUARTERS DEPARTMENT OF ANNAPOLIS,
June 27, 1861.

By virtue of authority vested in me, and in obedience to orders, as commanding general of the military department of Annapolis, I have arrested, and do now detain in custody, Mr. George P. Kane, chief of police of the city of Baltimore. I deem it proper at this moment of arrest to make formal and public declaration of the motive by which I have been governed in this proceeding.

It is not my purpose, neither is it in consonance with my instructions, to interfere in any manner with the legitimate government of the people of Baltimore or Maryland. I desire to support the public authorities in all appropriate duties; in preserving peace, protecting property and the rights of persons, in obeying and upholding every municipal regulation and statute, consistent with the laws of the United States and of Maryland.

But unlawful combinations of men, organized for resistance to such laws, that provide hidden deposits of arms and ammunition, encourage contraband traffic with men at war with the Government, and while enjoying its protection and privileges, stealthily wait opportunity to combine their means and forces with those in rebellion against its authority, are not among the recognized or legal rights of any class of men, and cannot be permitted under any form of government whatever. Such combinations are well known to exist in this department.

The mass of citizens of Baltimore and of Maryland, loyal to the Constitution and the Union, are neither parties to nor responsible for them. But the chief of police is not only believed to be cognizant of these facts, but, in contravention of his duty, and in violation of law, he is, by direction or indirection, both witness and protector to the transactions and the parties engaged therein. Under such circumstances, the Government cannot regard him otherwise than at the head of an armed force, hostile to its authority, and acting in concert with its avowed enemies.

For this reason, superseding his official authority and that of the commissioners of police, I have arrested and do now detain him in custody of the United States; and in further pursuance of my instructions, I have appointed for the time being, Colonel Kenly, of the first regiment of Maryland volunteers, provost marshal, in and for the city of Baltimore, "to superintend and cause to be executed the police laws provided by the Legislature of Maryland," with the aid and assistance of the subordinate officers of the

Whenever a loyal citizen shall be otherwise named for the performance of this duty, who will execute these laws impartially and in good faith to the Government of the United States, the military force of this department will render to him that instant and willing obedience which is due from every good citizen to his Government.

NATHAN P. BANKS,

Major General commanding Department of Annapolis.

And, on the same day, the board of police adopted the following preamble and resolutions:

Preamble and Resolutions adopted by the Board of Police on June 27th.

Whereas the laws of the State of Maryland give the whole and exclusive control of the police force of the city to the board of police, organized and appointed by the General Assembly; and not only are the said board bound to exercise the powers in, and to discharge the duties imposed upon them, but all other persons are positively prohibited, under heavy penalties, from interfering with them in so doing; and whereas there is no power given to the board to transfer the control over any portion of the police force to any person or persons whomsoever, other than the officers of police appointed by them, in pursuance of the express provisions of the law, and acting under their orders; and whereas, by the orders of Major General Banks, an officer of the United States Army, commanding in this city, the marshal of police has been arrested, the board of police superseded, and an officer of the Army, has been appointed provost marshal, and directed to assume the command and control of the police force of this city: Therefore,

Be it resolved, That this board do solemnly protest against the orders and proceedings, above referred to, of Major General Banks as an arbitrary exercise of military power, not warranted by any provision of the Constitution or laws of the United States, or of the State of Maryland, but in derogation of all of them.

Resolved, That whilst the board, yielding to the force of circumstances, will do nothing to increase the present excitement, or obstruct the execution of such measures as Major General Banks may deem proper to take on his own responsibility for the preservation of the peace of the city and of public order, they cannot, consistently with their views of official duty and of the obligations of their oaths of office, recognize the right of any of the officers and men of the police force, as such, to receive orders or directions from any other authority than from this board.

Resolved, That, in the opinion of the board, the forcible suspension of their functions suspends at the same time the active operation of the police law, and puts the officers and men off duty for the present, leaving them subject, however, to the rules and regulations of the service as to their personal conduct and department, and to the orders which this board may see fit hereafter to issue when the present illegal suspension of their functions shall be removed.

CHARLES HOWARD, *President,*
WILLIAM H. GATCHELL,
CHARLES D. HINKS,
JOHN W. DAVIS,
GEORGE WILLIAM BROWN, *Mayor,*
and *ex-officio* member of the Board.

In accordance with these resolutions, the board ceased to exercise any control over the police of the city, or in any wise to interfere with the proceedings of the provost marshal designated by General Banks. On the 1st day of July, just after midnight, these memorialists were arrested, each at his own house, by a regiment of soldiers, and soon afterwards General Banks issued the following proclamation:

To the Public.

HEADQUARTERS DEPARTMENT OF ANNAPOLIS,
FORT McHENRY, July 1.

In pursuance of orders issued from the headquarters of the Army at Washington, for the preservation of the public peace in this department, I have arrested, and do now detain in custody of the United States, the late members of the board of police—Messrs. Charles Howard, William H. Gatchell, Charles D. Hinks, and John W. Davis. The incidents of the past week afforded full justification for this order. The headquarters, under the charge of the board, when abandoned by the officers, resembled in some respects a concealed arsenal. After public recognition and protest against the "suspension of their functions," they continued their sessions daily. Upon a forced and unwarrantable construction of my proclamation of the 27th ultimo, they declared that the police law was suspended, and the police officers and men put off duty for the present, intending to leave the city without any police protection whatever. They refused to recognize the officers or men necessarily selected by the provost marshal for its protection, and hold subject to their orders, now and hereafter, the old police force, a large body of armed men, for some purpose, not known to the Government, and inconsistent with its peace or security. To anticipate any intentions or orders on their part, I have placed temporarily a portion of the force under my command within the city. I disclaim, on the part of the Government I represent, all desire, intention, and purpose to interfere, in any manner whatever, with the ordinary municipal affairs of the city of Baltimore. Whenever a loyal citizen can be named who will execute its police laws with impartiality and in good faith to the United States, the military force will be withdrawn from the central parts of the municipality at once. No soldier will be permitted in the city, except under regulations satisfactory to the marshal; and if any so admitted violate the municipal law, they shall be punished according to the civil law, by the civil tribunals.

NATHANIEL P. BANKS,
Major General Commanding.

I will not pause to comment at large on these resolutions. The opinion of General Banks at the time, or of this House now, as to their propriety