

Mr. HALE. No, sir; let it take the usual course.

The VICE PRESIDENT. The resolution will lie over under the rule.

FUGITIVE SLAVES.

Mr. SUMNER. I offer the following resolution:

Resolved, That the Secretary of War be requested to furnish to the Senate copies of any general orders in the military department of Missouri relating to fugitive slaves.

I ask for the immediate consideration of the resolution; and I desire to make an explanation.

The VICE PRESIDENT. The Senator from Massachusetts asks the unanimous consent of the Senate to consider the resolution at this time. The Chair hears no objection; and the resolution is before the Senate.

Mr. SUMNER. Mr. President, my attention has been called, by letters from St. Louis, to certain general orders purporting to come from Major General Halleck, in command of the department of Missouri, relating to fugitive slaves, wherein it is directed that such persons shall not be received within his camps, or within the lines of his forces when on march, and that any such persons now within such lines shall be thrust out; and the reason strangely assigned for this order is, that such fugitive slaves will carry information to the rebels.

Now, it is difficult to speak of an order like that and to keep within bounds. Besides being irrational and inhuman, on its face it practically authorizes the surrender of fugitive slaves beyond any constitutional obligation. Such an order must naturally be disheartening to our soldiers, and it gives a bad name to our country, both at home and abroad.

General Halleck is reputed to be a good tactician; but an act like this, with which he chooses to inaugurate his command, does not give to us assurance of any great success hereafter. He may be expert in all the details of military science; but something more than that is now needed. Common sympathy, common humanity, and common sense are needed in the conduct of this war. I take the liberty here of saying—and I wish that my words may reach him—that every fugitive slave that he surrenders will rise in judgment against him hereafter with a shame which no victory that he can win can remove.

I ask for the adoption of the resolution.

Mr. PEARCE. I ask that it lie over, sir.

The VICE PRESIDENT. The resolution, being objected to, will lie over until to-morrow.

Mr. SUMNER. I believe it is too late to make any objection. The resolution was taken up for consideration, and I have made some remarks upon it, and now the question is on its adoption.

Mr. PEARCE. I do not object to its reception at all. I only wish it to lie over until to-morrow for consideration.

The VICE PRESIDENT. The resolution was submitted by the Senator from Massachusetts, and the Chair called the attention of the Senate to it directly and heard no objection; it is therefore before the Senate for its consideration, but a motion to postpone it will carry it over, if adopted.

Mr. PEARCE. I make that motion, sir.

Mr. SUMNER. The resolution is simply one calling for copies of certain papers.

Mr. COLLAMER. Do you desire any action on them?

Mr. SUMNER. They may be important when we get them.

The VICE PRESIDENT. The question is on postponing the resolution until to-morrow.

Mr. SUMNER. If the Senator desires it to be postponed, I do not wish to stand in the way.

Mr. PEARCE. I really did not know what it was, and I preferred in this case, as in all others relating to the cause of agitation among us now, that a little time for consideration should be given, that we may not be taken by surprise. Of course, it will come up to-morrow, and I shall make no sort of objection to its consideration then.

The motion to postpone was agreed to.

COLONEL DIXON H. MILES.

Mr. GRIMES. I offer the following resolution, and, if there be no objection, ask for its present consideration:

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. COLLAMER. Let it lie over.

The VICE PRESIDENT. Objection being made, the resolution will lie over.

STANDING COMMITTEES.

Mr. COLLAMER. I move that the Senate do now proceed to the election of the standing committees for the session.

The motion was agreed to.

Mr. COLLAMER. Mr. President, the ordinary method of electing committees is, I believe, provided by the rule, that it shall be by ballot. I have handed to the Secretary a list of nominations making provision merely to fill the vacancies in the existing standing committees, which I desire to have read, and then I shall ask the unanimous consent of the Senate to allow a vote on it without delay.

The VICE PRESIDENT. The list presented by the Senator will be read for the information of the Senate.

The Secretary read, as follows:

Resolved, That the following be the standing committees of the Senate during the present session:

On Foreign Relations—Messrs. Sumner, (chairman,) Collamer, Doolittle, Wilnot, Browning, Polk, and Harris.

On Finance—Messrs. Fessenden, (chairman,) Simmons, Sherman, Howe, Pearce, Bright, and McDougall.

On Commerce—Messrs. Chandler, (chairman,) King, Morrill, Wilson, Ten Eyck, Salsbury, and Johnson of Tennessee.

On Military Affairs and the Militia—Messrs. Wilson, (chairman,) King, Lane of Indiana, Lane of Kansas, Rice, Latham, and Nesmith.

On Naval Affairs—Messrs. Hale, (chairman,) Grimes, Foot, Sherman, Thomson, Kennedy, and McDougall.

On the Judiciary—Messrs. Trumbull, (chairman,) Foster, Ten Eyck, Cowan, Harris, Bayard, and Powell.

On the Post Office and Post Roads—Messrs. Collamer, (chairman,) Dixon, Wade, Trumbull, Rice, Bright, and Latham.

On Public Lands—Messrs. Harlan, (chairman,) Clark, Pomeroy, Johnson of Tennessee, Rice, Nesmith, and Carlisle.

On Private Land Claims—Messrs. Harris, (chairman,) Foster, Sumner, Polk, and Bayard.

On Indian Affairs—Messrs. Doolittle, (chairman,) Wilkinson, Cowan, Lane of Kansas, Harlan, Nesmith, and Starke.

On Pensions—Messrs. Foster, (chairman,) Lane of Indiana, Howe, Wilnot, Pomeroy, Salsbury, and Willey.

On Revolutionary Claims—Messrs. King, (chairman,) Chandler, Wilkinson, Hale, and Nesmith.

On Claims—Messrs. Clark, (chairman,) Simmons, Howe, Wilnot, Pomeroy, Polk, and Thomson.

On the District of Columbia—Messrs. Grimes, (chairman,) Dixon, Morrill, Wade, Anthony, Kennedy, and Powell.

On Patents and the Patent Office—Messrs. Simmons, (chairman,) Sumner, Cowan, Thomson, and Salsbury.

On Public Buildings and Grounds—Messrs. Foot, (chairman,) Anthony, Chandler, Bright, and Kennedy.

On Territories—Messrs. Wade, (chairman,) Wilkinson, Hale, Browning, Johnson of Tennessee, Carlisle, and Pomeroy.

To Audit and Control the Contingent Expenses of the Senate—Messrs. Dixon, (chairman,) Clark, and Johnson of Tennessee.

On Printing—Messrs. Anthony, (chairman,) Harlan, and Powell.

On Expended Bills—Messrs. Lane of Indiana, (chairman,) Morrill, and Latham.

On Enrolled Bills—Messrs. Browning, (chairman,) Willey, and Salsbury.

On the Library—Messrs. Pearce, (chairman,) Collamer, and Fessenden.

Mr. COLLAMER. I move the adoption of the resolution read by the Secretary making those the standing committees of the Senate for the present session.

The VICE PRESIDENT. The Senator from Vermont moves the suspension of the rule requiring balloting for the committees of the Senate, and that this resolution be adopted. The Chair hears no objection.

The resolution was adopted.

EXPULSION OF MR. BRECKINRIDGE.

Mr. CHANDLER. I offer the following resolution, which I send to the Chair, and ask to have it considered now:

Resolved, That JOHN C. BRECKINRIDGE be, and he is hereby, expelled from the Senate.

The VICE PRESIDENT. Does the Senator ask for action on the resolution at the present time?

Mr. CHANDLER. Yes, sir.

The VICE PRESIDENT. The Chair hears no objection, and the resolution is now before the Senate.

Mr. POWELL. I will simply state to the Senate that I think Mr. BRECKINRIDGE has resigned his seat in the Senate.

Mr. CLARK. I will inquire of the Senator from Kentucky whether there is any doubt of his now being in the rebel army?

Mr. POWELL. I do not know whether there is any doubt about it or not.

Mr. CLARK. Then, if he is with the rebel army, I hope we shall not wait to receive any resignation.

Mr. POWELL. My only object was to announce the fact that, as I understand, Mr. BRECKINRIDGE has resigned his place in the Senate. I have seen it so stated in the public papers in an address from Mr. BRECKINRIDGE, which I believe I have here. I showed it this morning to the Senator from Oregon, [Mr. NESMITH.]

Mr. TRUMBULL. If the Senator from Kentucky will allow me, I should like to inquire if he has not the same kind of evidence that Mr. BRECKINRIDGE is now in arms against the Government he had sworn to support, and an open traitor, as he has of his resignation?

Mr. POWELL. I will merely say to the Senator that this address says he resigns his place in the Senate for the musket.

Mr. TRUMBULL. Then I will ask the Senator if he has not information of the same character as to his treason that he has in regard to his resignation?

Mr. POWELL. I have no information other than I have given the Senator—this address, in which he says he resigns his seat in the Senate for the musket. I believe those are the words. That is the only evidence I have. I have no doubt myself, from his address and what I have heard otherwise, that Mr. BRECKINRIDGE is in the army of the confederate States. I believe he is there, though I do not know the fact personally.

Mr. TRUMBULL. Is it not the common understanding that he is a general in the army that is arrayed against this Government?

Mr. POWELL. I have stated to the Senate that I so understood that he had been appointed a brigadier general in the confederate army, but do not personally know the fact. I also understand that he has resigned his seat in the Senate, and his successor is, perhaps, elected by this time.

Mr. TRUMBULL. I suppose the fact that a newspaper reports him to have resigned would not be a resignation. The Senator from Kentucky could not resign his seat in that way.

Mr. POWELL. I will say to the Senator, as far as that matter is concerned, that I do not know that he has made any other resignation than this. I suppose he has joined the army, but that is a fact about which I have no personal knowledge. I should like the resolution to lie over. I think it entirely unnecessary to go through the form of expelling a man who is not a member of the body.

Mr. NESMITH. I hold in my hand the address purporting to emanate from Mr. BRECKINRIDGE, and signed by him. At the close of one sentence he says:

"And now I hereby return the trust to your hands."

He is there referring to his position as United States Senator. That, in substance, is not a declaration of resignation, but it amounts to the same thing.

The VICE PRESIDENT. Does the Senator from Kentucky move to postpone the resolution until to-morrow?

Mr. POWELL. No, sir.

Mr. TRUMBULL. I desire to have the yeas and nays on the adoption of the resolution; and I will also suggest a substitute for it, if my friend from Michigan will accept it. I offer the following as a substitute, and then I shall ask the yeas and nays on the adoption of the resolution as modified.

The Secretary read the substitute, as follows:

Whereas JOHN C. BRECKINRIDGE, a member of this body from the State of Kentucky, has joined the enemies of his country, and is now in arms against the Government he had sworn to support: Therefore,

Resolved, That the said JOHN C. BRECKINRIDGE, the traitor, be, and he is hereby, expelled from the Senate.

The VICE PRESIDENT. Does the Senator from Michigan accept the substitute for his own proposition?

Mr. CHANDLER. Yes, sir.

The VICE PRESIDENT. Then the question is on agreeing to the resolution as modified, and on that question the yeas and nays are demanded.

The yeas and nays were ordered; and being taken resulted—yeas 36, nays 0; as follows:

YEAS—Messrs. Anthony, Browning, Carlile, Chandler, Clark, Collamer, Cowan, Dixon, Doolittle, Fessenden, Ford, Foster, Grimes, Hale, Harlan, Harris, Howe, Kennedy, King, Lane of Indiana, Lane of Kansas, Latham, McDougall, Morrill, Nasmith, Pomeroy, Sherman, Simmons, Sumner, Ten Eyck, Thomson, Trumbull, Wade, Wilkinson, Wilmot, and Wilson—36.

NAYS—None.

So the resolution was adopted.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed a joint resolution (H. R. No. 10) tendering the thanks of Congress to Captain Wilkes, of the United States Navy, in which the concurrence of the Senate was requested.

BILL INTRODUCED.

Mr. FOSTER, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 73) supplementary to the act entitled "An act to authorize protection to be given to citizens of the United States who may discover deposits of guano," approved August 18, 1856; which was read twice by its title, and referred to the Committee on Commerce.

NEGROES IN THE DISTRICT JAIL.

Mr. WILSON. Mr. President, I desire to submit a resolution, and I will state the reason why I introduce it. I should like action on it at this time if there be no objection, and certainly there ought not to be any.

I hold in my hand the report of Mr. Allen, an officer of the Government, in regard to sixty persons confined in the jail of this city. Most of them are persons who have been brought by our armies into the city, having run away from disloyal masters, or who have been sent there—many of them by disloyal persons—for safe-keeping until the war is over. Here is a history of each one of these persons, and a list of the creatures in this city who have arrested them, and of the men that we call justices of the peace who have committed them, and a summary of the whole case presented to the provost marshal of this city. I have been in this jail; I went there yesterday; I have been there to-day with several other persons, and such a scene of degradation and inhumanity I have never witnessed. There were persons almost entirely naked, some of them without a shirt upon them, confined there. Some of these persons are free. One of them, a free boy from Pennsylvania, came here with the fifth Pennsylvania regiment, was found in the street and sent there. Another boy, working for the public service here on the railway, was taken up and put there. One old woman was sent there by the wife of a former Senator of this body, Mrs. Morton, of Florida. She is owned in Richmond, by a disloyal person, and she was sent to this jail to be kept until the war is over. The whole history is here. I have not time to give it, but I will have the summary of it read. I submit a resolution to dismiss these persons from this jail and to authorize the marshal to provide them with the necessary means of support until they can take care of themselves, which all of them can do in a short time. I present the resolution, and hope there will be no objection now to its consideration.

The VICE PRESIDENT. The resolution will be read for information.

The joint resolution (S. No. 8) to provide for the release of certain persons confined in the county jail for the county of Washington, in the District of Columbia, was read a first and second time, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That immediately after the passage of this joint resolution all persons who may have been arrested as fugitives from service or labor and confined in the county jail for the county of Washington, in the District of Columbia, shall be discharged therefrom. And the marshal of the United States for the District of Columbia is hereby authorized and directed to furnish to such of the said persons so discharged, as in his opinion may need assistance, supplies of provisions and clothing, until they can find employment or be otherwise provided for.

The VICE PRESIDENT. To what committee does the Senator propose to refer his resolution?

Mr. WILSON. If Senators wish to refer it, I shall not make any objection; but while the question is under consideration I should like to have the summary of Mr. Allen's report read.

The Secretary read, as follows:

Summary.

From the foregoing report, it appears that there are now confined in the city jail, in the condition before stated, sixty colored persons, male and female, because, as generally alleged in their respective commitments, they were suspected of being runaways, and no proof had been adduced that they were not runaways, when in fact not the least opportunity had been allowed to adduce any proof whatever of their real status, (many of them offering to do so, and appealing in vain for so reasonable a privilege,) and they have been hurried off to prison, with the expectation on the part of the committing police and magistracy that if they were not sometime claimed as slaves, their bodies would at least bring the amount of their fees, at public auction.

Of these victims of official cupidity, some, it will be seen, have been freemen from the North, coming with and belonging to United States regiments, in the capacity of servants, &c., leaving free and happy homes behind them, to contribute their mites and peril their lives in the cause of their country.

Others have been fresh deserters at the same time from the most abject slavery and the mental service of the rebel army, into which they had been impressed by their disloyal masters. Scarcely had they completed their arduous and perilous flight, and landed, footsore and weary, beneath the Star Spangled Banner, when they were seized by waiting policemen and carried to jail "for safe-keeping" for their rebel masters.

Others having succeeded in escaping from the service of the rebel army, and eluding for awhile the vigilance of the police, have enlisted with their colored brethren of the North in the service of the Federal Army, until they have been found out and captured by the faithful minions of slavery and disloyalty.

Others still, it will be seen, have been committed to jail by the agents of disloyal parties now in the rebel service, "for safe-keeping until the war is over;" while all are acknowledged in prison without the least offense, and if not made of use to the Government or themselves, may be made of service to the rebels.

Besides, many of them are supposed to be possessed of important information in regard to the condition of the rebel army, and the conduct and whereabouts of disloyal persons within our lines, but such is the miserable condition of the jail, and the uncomfortable situation of its inmates, to say nothing about the jealous and austere official surroundings of the place, that it is impossible to elicit such information in a proper manner without a radical change of circumstances. I have therefore to suggest that these sixty unfortunate "contrabands," (whose names are appended,) be set at liberty, under the protection of the provost guard, to engage in the numerous useful and remunerative situations open for them, in the city, on their individual paroles to report at this office, for the purpose of giving information, &c., in such manner as may be required. Those that are not found strictly "contraband," or free, can be otherwise properly disposed of after examination.

The opportunities of the slaves in the rebel States, and particularly in the rebel army, for becoming possessed of information that would be valuable to us, are peculiar. Having the run of the camps, as servants, and waiting upon all grades of officers, they have a chance to see all that is going on, and to hear the conversations of those likely to be best posted on the strength, condition, and position of the army. Although unconscious of the value of the information they thus casually become possessed of, and almost unaware of the possession of the information itself, when they come among us it may be picked out of them like the crude diamond out of its native bed, and as the latter is polished into a thing of priceless beauty, may be woven into a chain of information of incalculable value to the Government.

I have, therefore, to suggest that all justices of the peace in the District of Columbia be instructed, when hereafter any "contraband" is brought before them as a runaway, to immediately send him or her to this office, for the purpose of giving information, &c.

When it is taken into consideration that this District is the grand center to which deserters and fugitives from all quarters of the rebel service tend, I think that the importance of acting on this suggestion will not go unperceived.

I further submit, General, that the justices and police officers engaged in the arresting and committing of these "contrabands" have, many of them, been guilty of knowingly and willfully abducting, by force, persons in the indispensable service of the United States Army, (in some cases entirely disregarding military passes, &c.,) thus traitorously interfering with the internal economy of the Army, if not materially crippling its efficiency; while all of them have been engaged in a business which, as sane men, they must have known was calculated to weaken the Federal cause and strengthen the cause of the rebels. I have, therefore, to respectfully suggest that all of these officers be arrested and incidentally treated to a very slight experience of the imprisonment which they have been so ready to inflict on others, in the way of committing them "for safe-keeping" until they can be required to take the oath of allegiance, specifying, among other things, that they will not hereafter interfere with any persons that may be contraband of war, without first bringing them to this office for examination. I submit that, unless this be done, all contrabands flying hither from the service of the rebel army, however important information they may be possessed of, are likely to be taken up by these vampires and thrust into jail, the Government deprived of the benefit of what information they may possess, and the fugitives themselves finally returned to their rebel masters.

Besides, if it becomes known abroad that contrabands are arrested and committed to jail immediately on arriving here, it will of course deter them from coming here, if not from leaving the rebel service; and in this way also, the Government will be deprived of the benefit of the information possessed by this valuable class of deserters.

The names of the sixty "contrabands" that I recommend to be discharged from imprisonment, as above, on their paroles, for the purpose of giving information, and

having their status declared by the proper authorities, will be found appended to this report.

Also the names of the police officers and justices of the peace who have been engaged in this "contraband trade," for such disposition as you may think proper to make of them.

All of which is respectfully submitted by your obedient servant,
E. J. ALLEN.

Mr. CLARK. Mr. President, I heartily concur in the object desired to be attained by the Senator from Massachusetts, and I hope the reform at that jail will be carried much further, for I have known something of it for some months; but I suggest to him that in his resolution he ought to put the names of the persons that are to be discharged. The resolution is a general one—that all persons who are fugitives shall be discharged. The names should be put into the resolution, for the protection of the jailor. He may hold them under a proper commitment, and it should be known who are to be discharged. It may be that some of those persons may be apprehended again by the very same people who arrested them before, and be again thrust into the jail; and it would be desirable to know whether a justice here would arrest a man that had been once discharged in this way. I think we cannot accomplish the purpose effectually unless we put the names in the resolution, or refer to the names contained in that report. It should be made particular and specific.

Mr. HALE. I am very glad, sir, that this report has been made and presented here, because it will help to answer a question that was put to me a great many times long and long ago—what the North had to do with slavery? I think when the northern States find out that they are supporting here in jail the slaves of rebels who are fighting against us—that we are keeping at the public expense their slaves for them, until the war is over—it will have a tendency to enlighten some minds in regard to the proper answer to that question. I shall go for the resolution, and for everything that tends to carry out its object. But while I am up, sir, I want to go a step further, for I think this is an appropriate time for saying what I want to say upon the subject. The difficulty lies in the administration of justice—in the judiciary of this District. I undertake to say, and put what little reputation I have at stake on it, that on God Almighty's earth there is not a community, calling itself civilized, that has a worse administration of justice than this District, and from that I except no tribunal from the Supreme Court up, or down, as you choose to take it, to a magistrate's court. It has been my lot to go before magistrates' courts in this District, and I will tell you that history, so that you can get a little idea of how law is administered here.

In the first place you do not have the beginning of a criminal process here, but that it costs somewhere in the neighborhood of \$175, the public Treasury always paying it. The result is that you have filled your District with magistrates who are anxious to get up prosecutions. Since I have been a member of this body, one of my colleagues in the other House was arrested on the oath of a crazy man, charging him with stealing a railroad. [Laughter.] Mr. Bodisco, the Russian minister, Mr. Calderon, the Spanish minister, General Scott, and almost all the characters of that description in this city were summoned as witnesses. My colleague was arrested, and notwithstanding it was as palpable a case of hallucination on the part of a crazy man as could be, he actually had to come into the Senate and summon me and my colleague here to go to the navy-yard before that magistrate to get himself freed from the thralldom of imprisonment on the charge of a crazy man for stealing a railroad, and stealing it in New Hampshire too. [Laughter.]

It astonished me beyond measure, when I came to inquire into the subject, to find that Uncle Sam footed the bill; that no matter what the crime was, the public Treasury was to pay the costs. I went then as a witness. I had occasion once afterwards to appear for a friend who was in custody before a magistrate sitting in this Capitol. I went in. I asked to see the process by which he was held. There was none. I asked to see the precept by which he was taken. There was none. I asked by what authority he was held there, and the magistrate said that one of the messengers, whom he named, had told him that the Speaker said the man must be arrested, and that was everything under heaven that the magistrate had before him,