

reported a bill as a substitute for the provision which passed the Senate discharging persons from the penitentiary, and forbidding the use of the penitentiary for imprisoning soldiers. The Senator from Iowa says that when that bill is taken up, we can make this correction; I will not, therefore, press the amendment upon his bill. I withdraw it.

Mr. HALE. In one of the sections which were adopted on the motion of the Senator from Iowa, I want to make an amendment, which, if I can have that section, I can put in form.

The PRESIDENT *pro tempore*. That amendment having been concurred in, is not now open to amendment, except by common consent.

Mr. HALE. I know it, and I ask unanimous consent to have the amendment made. Where the section says that the compensation of the prize counsel shall be three per cent., I propose to make it read, "he shall be entitled to such compensation as the court shall adjudge reasonable, not exceeding in any case three per cent."

The PRESIDENT *pro tempore*. If no objection be interposed, the amendment will be made. The Chair hears no objection.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

BILLS INTRODUCED.

Mr. WILSON, of Massachusetts, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 366) for the organization of Army corps, and of staffs attached to corps and divisions of the Army of the United States, and for other purposes; which was read twice by its title, referred to the Committee on Military Affairs and the Militia, and ordered to be printed.

Mr. POWELL, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 367) in relation to the duties of the heads of the several Executive Departments; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had caused the omission to be supplied in the engrossment of the bill (H. R. No. 472) to free from servitude the slaves of certain rebels engaged in or abetting the existing rebellion against the Government of the United States.

The message also announced that the House had passed a bill (No. 442) to establish a land district in the Territory of Nevada, and for other purposes, in which it requested the concurrence of the Senate.

BILLS BECOME LAWS.

The message further announced that the President of the United States approved and signed, on the 17th instant, the following acts and joint resolution:

An act (H. R. No. 475) to authorize the Secretary of the Treasury to change the names of certain vessels;

An act (H. R. No. 354) for the relief of Lieutenant Ulysses S. Grant; and

A joint resolution (H. R. No. 77) to change the name of the bark Quebec to General Burnside.

On the 18th instant, he approved and signed the following acts and joint resolution:

An act (H. R. No. 474) to direct the Secretary of the Treasury to issue American registers to certain vessels;

An act (H. R. No. 495) providing that the officers of volunteers shall be paid on the pay rolls of the regiments or companies to which they belong;

An act (H. R. No. 499) making appropriations for postal service on post routes established at the present session of Congress; and

A joint resolution (H. R. No. 72) transferring supervision of Potomac water works to the Department of the Interior.

On the 19th instant, he approved and signed the following:

An act (H. R. No. 374) to secure freedom to all persons within the Territories of the United States; and

An act (H. R. No. 449) for the relief of the sufferers by the burning of the Washington Infirmary on the night of November 3, 1861.

And on the 20th instant, he approved and signed the following:

An act (H. R. No. 274) to pay B. Y. Shelley for his claim and improvements taken from him by the Omaha reservation, in the Territory of Nebraska;

An act (H. R. No. 432) for the relief of Commodore Hiram Paulding; and

An act (H. R. No. 507) to change the port of entry for the district of Brunswick, Georgia.

PERSONAL EXPLANATION.

Mr. LATHAM. If there is nothing before the Senate, I should like to be heard for a moment on a question in the nature of a personal explanation.

The PRESIDENT *pro tempore*. By common consent the Senator may proceed.

Mr. LATHAM. On Friday last, when the Indian appropriation bill was pending, I had occasion to make some tart remarks, or remarks which have been so considered, in relation to the conduct of the Commissioner of Indian Affairs, as to certain amendments which were pending on that bill. This morning I received a letter from the Commissioner, which I think, out of justice to him, should be read to the Senate.

The Secretary read the letter, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS, June 23, 1862.

SIR: My attention has been called to some remarks made by you in the debate upon the report of the committee of conference upon the Indian appropriation bill, as reported in the Globe of 21st instant.

You are reported as saying, "Whether he (the Secretary of the Interior) approved or disapproved of the amendment as it was drawn, I do not know; but the Commissioner of Indian Affairs did, as I said, write the whole of it, and then came before the Indian Committee, and advocated it, and afterwards authorized one of my colleagues in the other House, who was a member of the committee of conference, to say to that committee that he repudiated it all, and disapproved of it."

In these remarks great injustice is done to me, though I presume not intentionally on your part, and I beg leave to offer a statement of my action in regard to the amendment proposed by you, and which was the subject of your remarks above referred to.

When you did me the honor to consult me about the amendment, I expressed a decided concurrence in your views as to the necessity of a retrenchment of the expenses of the Indian service in California, and I saw then no objections to the details of the plan recommended by you. The amendment was not drawn by myself, but it may have been written from your suggestions by a clerk in my office.

The general objects in view were to lessen the number of employes, to diminish the salaries, and to concentrate the Indians upon two reservations. Of these objects I fully approved, and so stated to you and to the Indian Committee.

I had no personal knowledge of the country, and very indefinite information as to the number of Indians, and could not therefore form any definite opinion as to the capacity of the proposed reservations to accommodate the Indians.

My opinions upon this point were mainly based upon your own statements, as I supposed that you was better informed in regard to the facts than I was. After the bill had passed the Senate, a member of the House, from your State, called upon me and stated, among other objections to your proposition, that the number of Indians in Upper California was very indefinitely known, that it was uncertain whether they could be provided for upon the reservation proposed, and, generally, that the change was too radical to be made upon the information before us. He stated that before the next session of Congress he would be able to obtain definite information upon these points, and he thought it would be better to let matters remain as they were until this information could be obtained.

I stated to him that as there seemed to be different opinions upon the propriety of the measure among the delegation of his own State, it might be better to make no change at the present session, but obtain full information upon which definite action could be had at the next session. I spoke particularly of the necessity of some change for the better in the management of Indian affairs in your State, but that unless the delegation could agree, I would be content if the appropriations estimated for by me were adopted.

I did not say that I "repudiated it all and disapproved of it." In this the member from your State has entirely misunderstood me.

I am anxious to see adopted some system of retrenchment of the expenses of the Indian service in California, and I fully approve of the general objects and features of the amendments proposed by you if you are correct in your statements of the facts upon which they are based.

But when the summary of the information upon which you based your action was called in question, I thought it might be prudent to withhold definite action until the next session, in order to afford an opportunity to obtain such definite information as would remove all doubt.

I have felt it due to you, as well as to myself, to make to you this statement of facts.

Very respectfully, your obedient servant,
WILLIAM P. DOLE, Commissioner.

Hon. M. S. LATHAM, United States Senate.

OATH OF OFFICE.

The PRESIDENT *pro tempore*. The special order of the day being the bill (H. R. No. 371) to provide an oath of office, and for other purposes, is now before the Senate. The Senator from Illi-

nois [Mr. TRUMBULL] moves an amendment to the bill to insert after the word "service," in the sixth line, the words "and for whom the form of the oath is not prescribed by the Constitution." The Senator from Kentucky [Mr. DAVIS] moves to amend the amendment by adding "and excepting the Vice President and Senators and Representatives in Congress."

Mr. TRUMBULL. I have nothing further to say in regard to that than was said the other day. I believe the yeas and nays were called upon it. The Senators who were present the other day will recollect what the point is. I trust that the amendment to the amendment will be voted down. I think it will be time enough to decide, when men are sent here who refuse to take an oath that they have not been engaged in this rebellion, whether we shall admit them or not. It can do no harm certainly to pass this law, and it is in accordance with various laws as I showed on a former occasion. I hope the amendment to the amendment will be rejected.

Mr. DOOLITTLE. I do not intend to discuss the matter; but it seems to me we ought to administer the same oath to the Vice President that we do to the President, and so far as members of Congress are concerned, I suppose each House must of course judge for itself as to the qualifications of its members, and also have control of the oath it administers. It seems to me the main object of the bill would be attained if the amendment to the amendment were adopted, and the bill would receive the unanimous sanction of the Senate. As to those officers that are not created under the Constitution itself, but by Congress, Congress would have the power, undoubtedly to prescribe the oath. I have some doubts of the propriety of the two Houses of Congress prescribing what each House shall do with its own members, when the Constitution says expressly that each House shall judge for itself.

Mr. CARLILE. My objection to this bill is, that it includes offices, which, for the purpose of distinction, I will call offices created by the Constitution, as well as those that are created by the laws enacted by Congress. Now, if you can prescribe an additional oath to a Senator, requiring some other additional qualification than that required by the Constitution of the United States, you might as well provide by law that every Senator presenting himself as a representative from a State of the Union shall swear that he is thirty-five years of age. The Constitution says he shall be thirty; and when he has attained that age, I maintain that the Congress of the United States has no right to require of a State that it shall send here a representative who is thirty-five years of age, and shall not send one who is under thirty-five but who is over thirty years of age. I refer to this for the purpose of illustrating the view that I desire to present to the Senate, of the utter want of power in the Congress of the United States to add to the qualifications of any who come here under the Constitution and by virtue of the authority of the States to claim a seat on this floor. Now, sir, when I inquired of the Senator from Illinois the other day, when this bill was before the Senate, if the President of the United States was not engaged in the civil service of the country, I understood him to deny the proposition. I maintain that the language of this bill includes every officer from the President down. There is no service in which any man can be engaged under the Government of the United States that is not included within the description of civil, military, or naval service. I will cheerfully support the bill if it can be so amended as to limit the oaths that are to be taken, and which the bill proposes to prescribe, to all offices created by law in contradistinction to those created by the Constitution, the qualifications of which are described by the instrument and in the Constitution itself; and, if it be in order, I will propose to amend—

The PRESIDENT *pro tempore*. It is not now in order, an amendment to an amendment being pending.

Mr. CARLILE. I will make one further remark. I cannot for a moment suppose that the evil which, it was said in debate, this bill, if it shall become a law, is intended to remedy, can ever take place in this country. There can be no restoration of this Union, the States never will be represented in the Congress of the United States, unless they are represented by loyal men—men

who acknowledge their allegiance to the Constitution of their country, and who oppose treason and rebellion as much as the Senators who are now here. I maintain, therefore, it is a presumption not to be made that ever the time will come when the Senate, to protect itself, will be compelled to legislate as to exclude from the body men who have been engaged in attempting to overthrow the Government in which, if they presented themselves here, they would be called upon to take part and govern and control. It is a presumption not to be made. Never can this rebellion be crushed out, never will these States be restored, until the power of the State governments shall be securely lodged in the hands of the loyal citizens of those States; and the authors of this conspiracy will never, if they can help it, place themselves in a position by which they will be subject to the power of this Government, to be arrested, convicted, and punished for the crimes they have committed, by presenting themselves here seeking places in the Halls of legislation.

Mr. TRUMBULL. I will say nothing further on this question than simply to read the statute of 1790, passed by the men who made the Constitution. I desire to read it, as the Senator speaks so confidently on this point, to show that they thought it was competent for Congress to disqualify a person from holding an office. Section twenty-one of the act passed on the 30th of April, 1790, declares:

"That if any person shall, directly or indirectly, give any sum or sums of money, or other bribe, present, or reward, or any present, contract, obligation or security, for the payment or delivery of any money, present, or reward, or any other thing to obtain or procure the opinion, judgment, or decree of any judge or judges of the United States, in any suit, controversy, matter, or cause depending before him or them, and shall be thereof convicted, such person or persons so giving, promising, contracting, or securing to be given, paid or delivered, any sum or sums of money, present, reward, or other bribe as aforesaid, and the judges who shall, in anywise, accept or receive the same, on conviction thereof shall be fined and imprisoned at the discretion of the court, and shall forever be disqualified to hold any office of honor, trust, or profit under the United States."—*Statutes at Large, session 1, chap. 9, 1790, p. 117.*

Mr. CARLILE. I have no doubt in the world of the constitutionality and expediency of that law. That is a law to protect the Government of the country from having its offices filled by men who are unworthy to fill them; but this is a proposition to administer an oath to one who claims a right to office. I have no doubt if one was to come here, presenting himself and claiming the right to fill the office from which he is excluded by law, because of conviction of an infamous offense, the power is in the Government to exclude him from that office; but I see nothing in that law authorizing the administering of an oath to the applicant, requiring him to swear whether he has ever been guilty of bribery or corruption for the purpose of procuring the office. I really do not see the applicability of the law quoted by the Senator to the proposition now before the Senate.

Mr. TRUMBULL. It is impossible for me to find eyes for the Senator so that he shall see, or to follow him around. Not five minutes ago he insisted that where the qualification of the office was created by the Constitution, no other qualification could be added; and now he can see no objection to a law that declares that a judge shall not be a member of Congress in a certain contingency; but if you do not administer an oath to him you cannot prevent his being a member. It is in the oath. I do not wish to take up time. I leave the Senate to decide it.

Mr. DOOLITTLE. I shall vote for the amendment to the amendment. I do not think the law stated by the honorable Senator from Illinois meets the objection. The law contains these six very important words, "and he shall be thereof convicted." When a man has been convicted of the crime as a part of his punishment this disqualification is set upon him. I understand that to be a very different thing from this; I do not see the objection, certainly, to the amendment that the same oath shall be administered to the Vice President that is to be administered to the President. As to the members of Congress, each House is made independent of the other House and of Congress. Each House, under the Constitution, is expressly made the judge of the qualifications of its own members, and the oath of course is to be administered in the House. As my friend the other day in his argument conceded, even if you pass the law the House need not administer the

oath unless they please, and could let him in just as they pleased. By the Constitution, each House is made independent of Congress in its action. I do not see, therefore, why it would not be just as well to except these, which the Constitution seems to provide for; and then the bill would receive the unanimous assent of the Senate.

Mr. TRUMBULL. I thought I would not say another word; but it seems the Senator from Wisconsin will persist in attempting to mystify the matter. I should like to ask the Senator from Wisconsin if it would not be in the power of the Senate to admit to a seat here a man who had been convicted of bribery? He puts it on the conviction. Would that alter it? Would it not be in the power of the Senate or of the House of Representatives to admit to a seat in either body a person who had offered or taken a bribe and been convicted of it? Do we not all know that each House is the exclusive judge of the election, qualifications, and returns of its own members? All this legislation could be avoided by the House, but I do not believe either House would avoid it. I think the effect of it would be to prevent such persons from presenting themselves.

Mr. DAVIS. I will put a query, and it is this: can Congress impose as matters of disqualification to members of the two Houses every act which they may denounce as criminal?

Mr. TRUMBULL. How do you get over the act of 1790?

Mr. DAVIS. The act of 1790 does not touch the question at all.

Mr. TRUMBULL. Does it not disqualify a judge convicted of bribery from being a Senator?

Mr. DAVIS. It does as a matter of punishment but not as a matter of qualification. The judgment of the court of New York read by the Senator makes the matter perfectly clear, if gentlemen will read it; and it amounts simply to this, that the Legislature may disqualify a man from serving as an officer as a part of his punishment; but if that punishment be inflicted or administered, there must be a judicial prosecution and a judicial condemnation. Congress may pass various laws denouncing crime. If the principle of the Senator from Illinois is correct, every act that Congress may make criminal, when done by a man presenting himself for a seat either in the House or in the Senate, may be prescribed as additional qualifications to his office. Well, sir, to my mind nothing can be plainer, and nothing is plainer, than that the qualifications of Senators and Representatives are prescribed by the Constitution, and they can neither be added to nor subtracted from.

The question being taken by yeas and nays, resulted—yeas 20, nays 13; as follows:

YEAS—Messrs. Browning, Carlile, Cowan, Davis, Dixon, Doolittle, Harris, Henderson, Kennedy, Latham, McDougall, Nesmith, Pearce, Powell, Saulsbury, Sherman, Wiley, Wilson of Massachusetts, Wilson of Missouri, and Wright—20.

NAYS—Messrs. Anthony, Chandler, Clark, Foot, Grimes, Harlan, Howard, Howe, King, Lane of Kansas, Pomeroy, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, and Wilmot—13.

So the amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment, as amended.

Mr. KING. I should like to hear it read, as amended.

The Secretary read it: to insert after the word "service," in the sixth line of the bill, the words:

And for whom the form of the oath of office is not prescribed by the Constitution, and except the Vice President and Senators and Representatives in Congress.

The amendment, as amended, was agreed to.

Mr. HENDERSON. I desire to offer an amendment in line ten, to strike out the words "borne arms," and to insert the words "levied war;" and after the word "against," in the same line, to strike out the words "the Government of;" so that it will read:

I, A. B. do solemnly swear (or affirm) that I have never voluntarily levied war against the United States since I have been a citizen thereof, &c.

I do not like the words "borne arms against the Government of the United States." I suppose the object of the bill is to reach those parties who have been guilty of treason. The Senator will see that an individual may very easily be guilty of the offense of treason without having actually borne arms. In fact, a great many of the worst traitors in the country are those who have not actually borne arms.

Mr. TRUMBULL. If the Senator will look at the twelfth and thirteenth lines, he will see that those lines cover those cases.

Mr. HENDERSON. Yes, sir; but the Senator will see, if this amendment is adopted, it will follow, as a matter of course, that I shall desire to move an amendment to those lines. I do not like those words. I design, if this amendment shall be adopted, to move to strike out, in the twelfth and thirteenth lines, the words "voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto," and to insert, in lieu thereof, "not, during said period, adhered to their enemies, giving them aid and comfort." I desire to use the words that are used in the Constitution, which have had a legal construction given to them; and then there will be no difficulty whatever in covering every possible case of treason. I think it is extremely desirable to take those words, inasmuch as we have had a construction given to them time and again, and there will be no difficulty whatever in ascertaining it.

The Senator will see it is objectionable to use the words, "the Government of the United States." They are used in several places. The phrase, "opposition to the Government, or to the laws passed in pursuance of the Constitution," is several times used in the bill. A party is bound to swear that he has never made any opposition to the Constitution and the laws passed in pursuance thereof. A man may very properly object to a law passed by the Congress of the United States, and passed in pursuance of the Constitution thereof. I refer now more particularly to the 2d page of this bill. It may turn out that he is mistaken in his ideas of the constitutionality of the law. He ought not to be required to say that he will not make any opposition to any law of Congress. I am as much opposed as any one to any individual making any opposition to a law, except in the courts of the country; but I do not desire that a man shall be compelled to swear that he will never oppose any of the laws of Congress. If he opposes them, let him oppose them in the courts of the country; and if the courts decide that he has made an improper opposition to them, there ought to be an end of it. He has no right to take up arms when the courts decide against him; nor has he any right to take up arms before that time. I desire to use the words I have indicated. I think they are the proper words to be used; they are the words contained in the Constitution; they are the words contained in the law defining treason; and the object is to reach those persons who are guilty of treason under the law.

Mr. TRUMBULL. There is evidently a misapprehension as to where those words occur in the mind of the Senator from Missouri. This is a part of the oath that the individual takes. It is not a matter of judicial investigation to be decided as to what constitutes treason, or about which there is to be judicial construction; but he is required to take a certain oath. I have no objection to striking out the words "the Government of." I do not think it would alter it at all; it would then read:

I do solemnly swear that I have never voluntarily borne arms against the United States.

That would be just as satisfactory to me; and as we have made one amendment to the bill, and it will have to go back to the House of Representatives, I have no objection to that.

Mr. HOWE. Do not strike those words out.

Mr. TRUMBULL. The Senator from Wisconsin does not want them struck out. I think the phrase "borne arms against the United States" would be just as well as to say "borne arms against the Government of the United States." I do not think there is any special importance in the words. Senators differ about it. To me it would make no difference one way or the other. As to the other amendment that is suggested in the next page, in which the Senator says the party would have to swear that he would not oppose a law, that is not so. It reads:

And I do further swear (or affirm) that to the best of my knowledge and belief I will support and defend the Constitution and Government of the United States, and all laws made in pursuance thereof, against all enemies, foreign or domestic.

Mr. HENDERSON. But, further, the party is to swear that he will "bear true faith and allegiance to the same." That applies evidently not only to the Constitution, but to the "laws made in pursuance thereof." The Senator will see that the language is very objectionable.

Mr. TRUMBULL. I have no objection to striking out the words "laws made in pursuance thereof." Undoubtedly the object of the bill as it comes from the House is to prevent men who have been warring against the Government from holding office under it. I think the object is a good one. That is the whole extent of the bill; and the effect of all the objections is to get rid of this obligation. I do not object to any amendments that do not destroy the vitality of the bill. I wanted men who took seats here to be required to swear that they had been true to the Government. The majority of the Senate thought otherwise, and that amendment is now adopted. I have no objection to that part of the amendment suggested by the Senator from Missouri which strikes out certain words, though I find other Senators think they had better be left in, or a part of them at any rate. The reason I objected to the words "levying war," in place of the words "borne arms" was, that it might be regarded by a person taking this oath as requiring something more, or that he could conscientiously swear he had not "levied war" against the United States, when he had, in fact, "borne arms" against them. He might not call that "levying war" against them. It was to make the matter plain and clear that I desired those words should remain as they are; but I trust we may be permitted to vote upon it. I do not think it is very material whether the words are out or in.

Mr. HENDERSON. The Senator, by his remarks, unintentionally does me very great injustice. He says the evident intention of all amendments is to get rid of the obligation. Sir, I disclaim on my part any design whatever to get rid of this obligation. It would be in direct opposition to the course that I have recently pursued in my own State on this subject; and, in fact, to my whole past course. I can assure the Senator that I do not wish to get rid of the obligation. I have no objection to taking the obligation just as he has it; but I think the proposition that I make for its amendment will add to the strength of the obligation; that it will properly reach this matter; and that it will accomplish things that cannot well be accomplished without it. In fact, as it now stands, I do not think the oath ought to be imposed on anybody. As I stated before, I do not design to make any opposition in the way of it at all; but when you require an individual when he comes into office to swear that he will "support and defend the Constitution and Government of the United States, and all laws made in pursuance thereof, against all enemies, foreign and domestic," and that he will "bear true faith and allegiance to the same"—that is to the Constitution and the laws—I say it is more than any man can do. Every man has a right to contest a law of Congress; and he ought not to be required to swear that he will support and defend any law of Congress whatever. If you put in that language, no man can take it. The courts of the country, the judiciary department of the Government has been given to him for the purpose of contesting and opposing the laws of Congress. I do not ask that he should have the right to oppose them by arms, because my whole life has been against that doctrine. The Senator, therefore, does me great injustice in saying or intimating that the object of any amendments that may be made is to defeat the obligation entirely. I disclaim any such purpose. I design merely to perfect it.

Mr. HOWE. I should like to understand the whole of that amendment. As I understand, part of it, I should hope, would be adopted.

Mr. TRUMBULL. Let the Secretary read the amendment pending.

The Secretary read the amendment, in line ten, after the word "voluntarily," to strike out the words "borne arms," and insert the words "levied war," and after the word "against" strike out the words "the Government of."

Mr. TRUMBULL. I want the question divided. I hope that first proposition will not be adopted.

The PRESIDENT *pro tempore*. The question will be taken on that portion of the amendment. It is a separate proposition.

Mr. HENDERSON. I should like to have the yeas and nays upon it.

The yeas and nays were ordered; and being taken, resulted—yeas 19, nays 19; as follows:

YEAS—Messrs. Browning, Carlisle, Collamer, Cowan, Dixon, Doollittle, Fessenden, Foot, Henderson, Kennedy,

Lane of Indiana, Latham, Pearce, Powell, Saulsbury, Sherman, Willey, Wilson of Missouri, and Wright—19.

NAYS—Messrs. Anthony, Chandler, Clark, Davis, Grimes, Hale, Harlan, Howard, Howe, King, Lane of Kansas, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, Wilmot, and Wilson of Massachusetts—19.

So the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the next branch of the amendment, in line ten, after the word "against," to strike out the words "the Government of;" so that the clause will read:

I, A B, do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States, &c.

The amendment was agreed to.

Mr. HENDERSON. I move, in lines twelve and thirteen, to strike out the words "voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto," and to insert the words "not during said period adhered to their enemies, giving them aid and comfort;" so that it will read:

I do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States Government since I have been a citizen thereof; that I have not, during said period, adhered to their enemies, giving them aid and comfort, &c.

Mr. TRUMBULL. If I had been drafting the bill, I should have had no objection to those words. I do not think they alter it. I think the words that are in are quite as good. It is a House bill. The amendment is not worth contending about. I will simply say I would not adopt it, because I would not change the words in the bill as it comes from the House.

Mr. HENDERSON. I simply desire to say, in reference to this matter, that I am exceedingly anxious this bill should be passed, but at the same time I am anxious it should be put in such language as that a party can very readily know whether he has violated the laws of the United States in reference to the crime of treason. I repeat, I am anxious to see this bill passed, and I desire to put it in such a shape that I can vote for it. I desire to give it my support; but I cannot and will not vote for it as it came from the House of Representatives. I suppose that will make but very little difference. In all probability the bill could be passed without my support; but for me, I will not vote for it unless certain words are taken out of it. It has already been amended, and therefore it will have to go back to the House of Representatives. The Senator will see at a glance that there are certain words in the bill that he cannot very well vote for. In fact he says, as I have no doubt as good a lawyer as himself would say, had he been drafting the bill he would have used the words I use in this amendment; therefore, inasmuch as it has to go back to the House, and the words I propose to insert have been legally interpreted, and every one knows their meaning and interpretation, and inasmuch as we intend by this law to reach the offense of treason against the United States, we had better use the words that for many years have had a legal interpretation. I therefore hope the Senate will adopt the amendment.

Mr. TRUMBULL. The Senator will persist that we are giving an interpretation to treason. It has nothing to do with it. This is prescribing the form of oath which officers shall take. Cannot a man understand that? Is not the language plain: "I solemnly swear that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto?" Is there a man in America who cannot understand that? The Senator wants to insert technical words. Will the persons to be elected to office, the clerks and subordinate officers, understand what is meant by "adhering to the enemy, giving them aid and comfort," half as well as they will the plain language that is in the bill? I think there is no trouble in understanding it.

Mr. COLLAMER. If the gentleman will indulge me one moment, the words that the honorable Senator from Missouri proposes to put in are the very words the court has decided do not relate to this rebellion at all. It has been decided that the words, "adhering to their enemies, giving them aid and comfort," apply to public enemies of the nation, and therefore putting them in here would not reach the case of a man engaged in this rebellion.

Mr. TRUMBULL. I think the clause had bet-

ter stand as it is. Any one can understand the provision.

The amendment was not agreed to; there being, on a division—yeas eight, nays not counted.

Mr. TRUMBULL. I think the bill needs amending on the 2d page, in the clause commencing at line seventeen:

That I have neither voluntarily renounced my allegiance to the Government of the United States, nor yielded a voluntary support to any pretended government, authority, power, or constitution, hostile or inimical thereto.

I move to strike out the words, "neither voluntarily renounced my allegiance to the Government of the United States, nor," and to insert the word "not;" so that it will read:

That I have not yielded a voluntary support to any pretended government, authority, power, or constitution, hostile or inimical thereto.

Otherwise, this clause might apply to a person who had left this country and given in his allegiance to some foreign Government in a time of peace and afterwards returned here. It is not the intention of the bill of course to apply to such a case. I move to strike out the words I mention, and to insert the word "not" before "yielded."

The amendment was agreed to.

Mr. TRUMBULL. After the word "constitution" in the twentieth line, I move to insert the words "within the United States."

The amendment was agreed to.

Mr. TRUMBULL. I have no objection to striking out the words suggested by the Senator from Missouri. In lines twenty-three and twenty-four I move to strike out the words, "and all laws made in pursuance thereof."

Mr. HENDERSON. I will suggest to the Senator to include in his motion the words "and government," in the twenty-second and twenty-third lines.

Mr. TRUMBULL. I have no objection to that. I accept that modification.

The amendment, as modified, was agreed to.

Mr. HENDERSON. I will suggest to the Senator, also, that the words "the Government of," in the sixteenth line, ought to be stricken out, which would make it in consonance with the amendment just adopted.

Mr. TRUMBULL. Let them be stricken out, if that will make the bill more satisfactory to the Senator.

The PRESIDENT *pro tempore*. Those words will be stricken out, no objection being made.

The amendments were ordered to be engrossed, and the bill to be read a third time. It was read the third time.

Mr. SAULSBURY. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and being taken, resulted—yeas 33, nays 5; as follows:

YEAS—Messrs. Anthony, Browning, Chandler, Clark, Collamer, Cowan, Davis, Dixon, Doollittle, Fessenden, Foot, Foster, Grimes, Hale, Harlan, Henderson, Howard, Howe, King, Lane of Indiana, Latham, Morrill, Pomeroy, Sherman, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, Willey, Wilmot, Wilson of Massachusetts, and Wright—33.

NAYS—Messrs. Bayard, Carlisle, Kennedy, Powell, and Saulsbury—5.

So the bill was passed.

THE TAX BILL.

Mr. FESSENDEN. Mr. President, I desire to make a report from the committee of conference on the tax bill, so called.

The committee of conference on the bill (H. R. No. 312) to provide internal revenue to support the Government and pay interest on the Government debt, have considered and agreed. The committee propose that the House of Representatives recede from their disagreement to various amendments of the Senate. I will not read them over; they are in number two hundred and fifty-three, most of them merely verbal. The Senate recede from sixteen of their amendments, and I will say what they are. The first amendment is in regard to the salary of the Commissioner of Internal Revenue. The House of Representatives fixed that salary at \$5,000, and the first amendment of the Senate reduced it to \$3,500. The House of Representatives agree to that amendment with an amendment fixing the salary at \$4,000. The Senate recede from their thirty-sixth amendment. The thirty-sixth is an amendment in which power is given to the Secretary of the Treasury to increase the pay of assessors in certain cases. That is