

C.S.A. 2d Cong. 1st sess. Sen.
May 6, 1864

SENATE, May 6, 1864.—Considered and postponed to, and made special order for, Monday next, at one o'clock, and ordered to be printed.

[By Mr. WIGFALL.]

RESOLUTIONS

In relation to the suspension of the privilege of the writ of *habeas corpus*.

1 1. *Resolved*, That the Congress of the Confederate States has
2 the undoubted right, during invasion or rebellion, and when the
3 public safety require it, to suspend the privilege of the writ of
4 *habeas corpus* and that while so suspended it is not competent for
5 any Confederate Judge to discharge from custody any prisoner
6 held under or by virtue of the authority of the Confederate
7 States.

1 2. *Resolved*, That the State courts being established by State
2 authority can in no manner be affected by Confederate legislation,
3 and that, therefore, an act of the Confederate Congress
4 suspending the privilege of the writ of *habeas corpus* does not
5 apply to them and in no wise prevents their exercising such
6 jurisdiction or issuing such writs as by the laws of their States
7 they are allowed to exercise or issue.

1 3. *Resolved*, That the State and Confederate Governments are
2 separate, distinct, and co-ordinate Governments; that each has its

3 legislative, executive and judicial departments, and is a perfect
4 Government in itself, and that, therefore, neither can interfere
5 in any manner with the legislative, executive or judicial action
6 of the other, and that the courts of neither can inquire into the
7 legality or illegality of the arrests of persons in custody under
8 or by the authority of the other or afford such persons any
9 relief.

1 4. *Resolved*, That the Constitution of the Confederate States
2 is, as to the States, and between them, a compact, and that each has,
3 as in all cases of compacts between sovereigns, a perfect right to
4 declare its true intent and meaning, and that the citizens of each
5 State are bound by such decision.

1 5. *Resolved*, That, as to the citizens of each State, the Con-
2 stitution of the Confederate States, having been ordained and
3 established by the same authority as their State Constitution, is
4 equally supreme and binding over them as their State Constitu-
5 tion is, and that the Government established by it, to the extent
6 of its delegated powers, of which the State only is the judge, is
7 as fully empowered to act for them as their State Governments,
8 and that when it does so act, their State Government, having no
9 supremacy over the Confederate Government, cannot release them
10 from their obligation to obey.

K B L
C