

## IN SENATE.

FRIDAY, January 5, 1849.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, enclosing the report of the Commissioner of Pensions; which was referred to the Committee on Pensions, and ordered to be printed.

The VICE PRESIDENT also laid before the Senate a communication from the Secretary of War, containing a report of the expenses of the national armories for the year ending June 30, 1848.

The VICE PRESIDENT also laid before the Senate a communication from the Secretary of War, enclosing a report of the expenditures from the appropriations for contingencies of the department during the year ending 30th June, 1848.

## MEMORIALS AND PETITIONS.

Mr. ATCHISON presented the memorial of Henry C. Miller and Philip W. Thompson, praying compensation for certain depredatious committed by the Osage Indians on the Santa Fe road; which was referred to the Committee on Indian Affairs.

Mr. HANNEGAN presented a petition from a number of colored persons of Indiana and other States, praying that Government vessels may be allowed to carry colored emigrants to Africa, when such vessels are ordered thither; which was referred to the Committee on the Judiciary.

Mr. FELCH presented the petition of citizens of Ypsilanti, Michigan, asking for a reduction of postage and free transmission of newspapers within a certain distance; which was referred to the Committee on the Post Office and Post Roads.

Mr. DIX presented the petition of Priscilla Decatur Twigg, praying to be allowed a portion of prize money due her uncle, Stephen Decatur, on account of the recapture of the frigate Philadelphia at Tripoli; which was referred to the Committee on Naval Affairs.

Mr. BORLAND presented the petition of Joseph Kerwin, late sergeant in the sixth United States infantry, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. BORLAND presented the petition of Thomas and Elizabeth Armstrong, praying compensation for losses of property by the Creek Indians; which was referred to the Committee on Indian Affairs.

Mr. RUSK presented the petition of Samuel Jones, surviving partner of the firm of E. P. Calkins & Co., asking the return of duties exacted from him in the name of the Republic of Texas, after her annexation to the United States; which was referred to the Committee on Claims.

Mr. BRIGHT presented papers in relation to the claims of the heirs of Joshua Eddy, an officer of the revolutionary army; which was referred to the Committee on Revolutionary Claims.

Mr. STURGEON presented the petition of a number of citizens of Mercer county, Pennsylvania, praying the restoration of the tariff of 1842; which was referred to the Committee on Finance.

Mr. DICKINSON presented additional papers in relation to the petition of merchants of New York, praying for a return of duties on goods destroyed by the great fire; which was referred to the Committee on Finance.

Mr. WESTCOTT presented additional evidence in relation to the claim of Manuel X. Harmony; which was laid on the table.

On motion of Mr. DOWNS, leave was given to withdraw the papers in the case of Peter Randon.

On motion of Mr. STURGEON, the papers in relation to the claim of the legatees of Thomas J. Anderson were taken from the files of the Senate, and referred to the Committee on Foreign Relations.

## REPORTS FROM COMMITTEES.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, reported a bill for the relief of William Barton and other surviving children of General William Barton; which was read a first time.

Mr. BALDWIN, from the Committee on Claims, reported, without amendment—

House bill for the relief of the widow of Lieutenant Richard E. Cochran, deceased;

House bill for the relief of A. C. Bryan and others;

House bill for the relief of the legal representatives of Robert Fulton, deceased.

Mr. UNDERWOOD, from the Committee on Claims, reported, without amendment, a bill for the relief of Theodore Qffutt.

Mr. DAVIS, of Mississippi, from the Committee on Military Affairs, made an adverse report on the joint resolution explanatory of the act of June 2, 1848, entitled "An act to refund money for expenses incurred, subsistence or transportation furnished, for the use of volunteers during the present war, before being mustered and received into the service of the United States," and asked to be discharged therefrom.

Mr. BRADBURY, from the Committee on Claims, made an adverse report on the petition of E. P. Calkins, of Galveston, Texas.

## BILLS ON LEAVE.

Mr. BORLAND, pursuant to notice, asked and obtained leave to introduce a bill to grant to the State of Arkansas the Hot Spring reservation, in that State, and for other purposes; which was read a first and second time, and referred to the Committee on Public Lands.

Mr. ATCHISON, pursuant to notice, asked and obtained leave to introduce a bill granting to the State of Missouri a right of way and a donation of public lands, for making a railroad from Lexington, on the Missouri river, to Ohio City, at the mouth of the Ohio river, in said State; which was read a first and second time, and referred to the Committee on Public Lands.

Mr. DIX, pursuant to notice, asked and obtained leave to introduce a bill to authorize an appropriation for removing the rocks at Hurl Gate and the reefs in the harbor of New York; which was read a first and second time, and referred to the Committee on Commerce.

## PURCHASE OF CUBA.

The following resolution, offered by Mr. MILLER, December 18, was taken up for consideration:

Resolved, That the President of the United States be requested to inform the Senate whether any and what negotiations or correspondence have taken place between this Government and the Government of Spain, or between any persons acting under the direction or authority of either Government, in relation to the purchase of Cuba by the United States; and that he communicate to the Senate copies of such negotiations or correspondence, so far as the same may be communicated consistently with the public interest.

Opposition being manifested—

Mr. MILLER called for the yeas and nays on the adoption of the resolution, but the call was not sustained.

Mr. RUSK moved to lay the resolution on the table, but withdrew the motion.

Several SENATORS called for the yeas and nays on this motion.

Mr. MILLER rose to offer some explanations concerning the resolution; when—

Mr. DICKINSON said the question was not now debatable.

Mr. MILLER. I hope that the Senator who moved to lay the resolution on the table will withdraw his motion, in order to allow me an opportunity to say a few words in explanation.

Mr. RUSK. I have no objections, so far as the subject is under my control, to allow the gentleman from New Jersey to offer any explanations he may be pleased to make. For one, I do not believe that any such negotiations or correspondence have been entered into by the two Governments named in the resolution; and the only authority for entertaining any such belief, on the part of any one, is a few vague rumors which have been circulated in some of the newspapers.

Mr. MILLER. I would state to the Senate that this resolution is in the ordinary form of resolutions of inquiry of this nature. The answer to the resolution is submitted to the discretion of the President. If he thinks it inconsistent with the public interest to give the information asked for, he may decline to furnish it.

When the resolution was called up a few days since, the Senator from Georgia [Mr. BERRIEN] suggested to the Senate that it was not strictly in order to present a resolution of this kind in open Senate, but that it should be made the subject of executive session. Since that time I have been looking into the precedents of this kind, and I find abundance of them, which authorized the presentation of this resolution in open Senate.

Resolutions requiring information from the President in regard to correspondence between this Union and other nations might, perhaps, develop

matters which it would be more proper to deliberate and act upon in executive session. But in the cases of the negotiations between this Government and Mexico, and in the negotiations with regard to the annexation of Texas, and the negotiations between this Government and Great Britain in relation to the Territory of Oregon, resolutions of this kind were offered and received in open Senate. Therefore the resolution is not subject to any objection of that character.

Again: I consider that the subject-matter of this resolution is not of the ordinary character. This matter of purchasing foreign nations, people, and territories is not of the ordinary character of the negotiations between nations. Hence I deemed it proper to offer this resolution, for the purpose of informing the country whether any negotiations of this kind have been carried on between this and the Spanish Government.

My impression at the time I offered the resolution was, and still is, that if any such negotiations between the two nations are in progress, the country ought to be informed of the fact: the country should know it before the object of the negotiations is consummated; and it was for this purpose that I presented the resolution.

Mr. RUSK. I wish simply to ask the honorable Senator from New Jersey if he entertains any suspicion that such negotiations or correspondence are or have been in progress?

Mr. MILLER. Since the honorable Senator from Texas has propounded the question, I must say that I have such suspicions. I know very well, sir, that the pretty general impression of the country is, that something of the kind has been going on, and my only object in offering the resolution was to elicit the truth, and quiet the public mind.

Mr. FOOTE. From the manner in which this subject has been introduced by the Senator from New Jersey, I feel myself authorized to propound an inquiry to him, which he may answer or not, at his pleasure and discretion. I wish to know whether, in the event of his ascertaining that any correspondence or negotiations in reference to this subject have actually taken place, he is prepared to assume an attitude hostile to the annexation of Cuba to this country, and whether he is or is not prepared to act upon the subject? If he is not prepared to act, then I think there is no necessity for this resolution. If, however, the Senator from New Jersey, in the event of such a correspondence or negotiation having actually occurred, or being in progress, intends to throw obstacles in the way, for the purpose of preventing its consummation, there is some reason for his resolution; but if he intends to remain inactive, and is resolved that no action shall follow after the information shall be obtained, I must repeat that I see not the slightest reason whatever for the passage of the resolution.

Mr. DICKINSON. I renew the motion to lay the resolution on the table.

Mr. MILLER. I hope the honorable Senator from New York will withdraw his motion for a moment, in order that I may reply to the question of the Senator from Mississippi.

Mr. DICKINSON. I will withdraw my motion if the Senator from New Jersey will renew it after he has made his reply.

Mr. MILLER. I would not like to renew the motion to lay the resolution on the table myself, but I have no doubt others will do it. The gentleman can renew it himself.

Mr. DICKINSON. I will withdraw my motion for the present.

Mr. MILLER. Mr. President, perhaps it would be wise in me to reserve my answer to the question of the Senator from Mississippi till the facts of the case are laid before the country. But I have no desire to conceal my opinions or intentions in regard to this matter. My own opinion is made up upon this subject, and I do not hesitate to say that I shall be opposed to the annexation of Cuba to this country at all times and under all circumstances.

Mr. FOOTE. I would simply state, that if such be the determination of the honorable Senator from New Jersey, he will find himself in an awkward position in less than four months, for the President elect is decidedly in favor of the annexation of Cuba, and has so declared himself.

Mr. DICKINSON, renewed his motion to lay the resolution on the table.

Mr. HALE called for the yeas and nays, which were ordered, and resulted as follows:

YEAS—Messrs. Atchison, Atherton, Berrien, Borland, Bradley, L. B. Dickson, Douglas, Downs, Enoch, Fitzgerald, Fitzpatrick, Foote, Houston, Hunter, Johnson of Louisiana, Jones, King, Mason, Rusk, Sebastian, Turney, and V. 33.

NAYS—Messrs. Baldwin, Benton, Clarke, Clayton, Corwin, P. C. of Massachusetts, Davison, Dix, Hale, Hamlin, Meyer, Miller, Niles, Poirer, Phelps, Sprague, Underwood, Upham, and Webster—19.

So the resolution was laid on the table.

#### RESOLUTIONS.

Mr. DOWNS presented the following resolution, which was considered and agreed to:

*Resolved*, That all memorials, petitions, or other papers, referred to the committees of the Senate at the last session, and remaining before them at its close, be recommitted to the same committees.

Mr. BELL submitted the following resolution, which was agreed to:

*Resolved*, That the memorials and all other papers or matters referred to the Committee on Indian Affairs at the last session of Congress, and which were not reported on by the committee, be now recommitted to said committee.

Mr. JONES submitted the following resolution, which was considered and agreed to:

*Resolved*, That the Committee on Pensions be instructed to inquire into the expediency of increasing the pension of Isaac W. Griffith, of Iowa, on account of the loss of his right arm while in the service of his country at Churubusco, in Mexico.

A bill from the House of Representatives to amend an act supplementary to an act for the admission of the States of Iowa and Florida into the Union, was read a first and second time, and referred to the Committee on the Judiciary.

Mr. JOHNSON, of Louisiana, moved that the Senate proceed to the consideration of the private calendar; but before the question was put—

On motion of Mr. KING, the Senate proceeded to the consideration of Executive business; after which the doors were reopened, and

The Senate adjourned till Monday.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, January 5, 1849.

The Journal of yesterday was read and approved.

Mr. ROCKWELL, of Connecticut, moved that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. BOYDEN, from the Committee on Elections, submitted the views of the minority of said committee on the claims of Mr. HENRY H. SIBLEY to a seat upon the floor of the House, as a delegate from the Territory of Wisconsin; which was laid upon the table, and ordered to be printed.

Mr. ROCKWELL then renewed his motion to go into committee.

Mr. HOUSTON, of Alabama, said that the report of the "Globe," in recording the proceedings of the House on the bill making appropriations to supply certain deficiencies in appropriations, reported him as having voted in favor of striking out the proviso in relation to the employment of a messenger in the office of the Sergeant-at-Arms. This was a mistake: he had voted against striking out; and he desired that if the error appeared on the Journal, it might be corrected.

The SPEAKER said, that if the vote of the gentleman had been incorrectly recorded, the Journal would be corrected.

The question then recurred on the motion of Mr. ROCKWELL to go into Committee of the Whole on the state of the Union.

Mr. LIGON said, he presumed that the object of the gentleman from Connecticut, [Mr. ROCKWELL,] in the motion he had submitted, was to proceed with the consideration of the bill to provide for the establishment of a board of commissioners to settle private claims. He (Mr. L.) hoped that the House would not proceed to the consideration of that bill. This day was that which was known to the rules as objection day, when many claims might be disposed of. He hoped the House would proceed to the consideration of the private calendar.

Mr. ROCKWELL said it was well known that he had always been in favor of giving to private claimants the benefit of those days which had been set apart by the rules for the consideration of their cases; but it so happened that the bill to provide for the establishment of a board of commissioners to settle private claims must be disposed of to-day and to-morrow, or upon some other private bill day, or he apprehended that it could not be disposed of at all. It would be recollected by gentlemen, that,

by a vote of the House, the Committee of Ways and Means had procured the adoption of a rule giving priority to all the appropriation bills. Under these circumstances, it was necessary that the bill should be considered at his time. He must therefore adhere to his motion.

Mr. KAUFMAN rose to inquire of the Speaker whether a motion to go into Committee of the Whole on the private calendar, if it should now be submitted by him, would not have preference over a motion to go into Committee of the Whole on the state of the Union?

The SPEAKER answered, that the motion to go into Committee of the Whole would have the preference over the motion of the gentleman from Connecticut, [Mr. ROCKWELL,] because this day was set apart for the consideration of private bills.

Mr. KAUFMAN. Then I make the motion, and hope it will be agreed to.

Mr. ROCKWELL hoped that the gentleman from Texas [Mr. KAUFMAN] would consent that the question should be first taken on the motion which he (Mr. R.) had submitted.

Mr. KAUFMAN did not assent.

So the question was stated by the Speaker to be on the motion that the House resolve itself into Committee of the Whole for the purpose of proceeding to the consideration of the private calendar.

Mr. JONES, of Tennessee, rose and said, that he had understood from one of the proprietors of the "Globe" that the copy of the vote which had been furnished to that paper, on his (Mr. J.'s) amendment yesterday submitted to the Washington, Georgetown, and Alexandria steamboat company bill, in relation to the liability of individual stockholders, gave the aggregate vote as 94 in the affirmative and 57 in the negative.

He merely wished to call the attention of the Speaker and of the Clerk to the point, so that an examination might be made by the Clerk, and the true state of facts be ascertained; so that if there was any mistake on the Journal, it might be corrected.

The SPEAKER said the Clerk would state the vote as recorded on the Journal.

The CLERK read as follows: "Eighty-nine in the affirmative, ninety-one in the negative."

[This is the vote announced by the SPEAKER yesterday, and as set forth in the "Globe" of this morning.]

The question then again recurred on the motion of Mr. KAUFMAN, that the House resolve itself into Committee of the Whole on the private calendar.

Tellers (Messrs. CLINGMAN and KAUFMAN) were appointed.

And the question was taken and decided in the negative—ayes 47, noes 74.

So the House refused to go into Committee of the Whole on the private calendar.

And the question then recurred and was taken on the motion of Mr. ROCKWELL, and decided in the affirmative.

#### BOARD TO SETTLE PRIVATE CLAIMS.

So the House resolved itself into Committee of the Whole on the state of the Union, (Mr. BURN, of South Carolina, in the chair.)

The CHAIRMAN stated the first business before the committee to be the bill, heretofore under consideration, to provide for the establishment of a board of commissioners to settle private claims.

Mr. STRONG was entitled to the floor.

Mr. GOGGIN rose and said that he did not wish to interfere with the business before the committee. He supposed that the bill designated by the chairman was regularly before it. But he desired to be informed whether it would be in order for him to move to postpone the consideration of that bill, with a view to take up the bill to regulate the rates of postage?

The CHAIRMAN thought not, he said.

Mr. STRONG then took the floor, and addressed the committee during the greater part of the allotted hour.

He said it was a matter of some regret to him that he had not made the observations he proposed to submit to the committee on the day on which this bill had first been brought up for consideration. It was not his intention then, nor did he propose now, to enter very much at large into the discussion. He had yielded on a former day to what appeared to be the manifest desire of the

committee, that an adjournment should take place; and he feared that, by so doing, he had led gentlemen to expect from him a more particular investigation of the provisions of the bill than he felt disposed to bestow upon them.

He confessed that he felt a deep interest in the fate of this bill. It proposed a remedy for an evil, the existence of which was universally admitted. It was not often that as much unanimity of sentiment was found in this Hall, as had been exhibited in the opinion, that the present mode of settling private claims against the Government of the United States was utterly inadequate for the purpose designed to be accomplished—that it was alike unjust to individuals and unjust to the Government.

Nor was it here alone that the voice of condemnation against the existing system had been heard. The language of complaint had come up to this Capitol from all parts of the country; and they were often reproached for the injustice they were doing to the Government, and to those having meritorious claims upon the Government, who had a right to demand an early hearing, and a speedy adjudication of their claims.

It was undoubtedly true that the grounds of complaint in respect to the present system were very different. Some there were who complained of it as being substantially a denial to meritorious citizens of their right to recover what was justly their due; and not only a denial of that, and a withholding of their dues, but as being a refusal to permit them to be heard before the only tribunal known to the Constitution and the laws of the country for the adjustment of these claims.

There were others who complained of the system as being the means of permitting unfounded claims against the Government to be prosecuted to a successful termination; and they were told that many frauds had been perpetrated on the treasury of the nation.

There could be no doubt that both these causes of complaint existed. There could be no doubt that they were well founded; and what was more, that the cause of complaint was increasing from year to year. In the early history of the Government, the claims presented against it were, comparatively speaking, but few in number. They were about one-sixth of those which were now presented from year to year; and even whilst the number was thus small, the tribunal was never fitted for their adjudication. Yet the evil was not so universally felt as it was at the present time.

But it was to be remembered, that from the foundation of the Government to this hour, these claims had been growing in number and in magnitude. They had kept even pace with the population and wealth of the country; and as our population at this time was about six times as large as it was at the date of the adoption of the Constitution of the United States, so were these claims in number about six times as many as were presented at the time the Constitution went into operation. Many of these claims, beyond doubt, were just. No man in this House would hazard his reputation by the assertion that all of them were ill-founded. Some of them certainly were meritorious. They were such as, if they were made by one citizen against another, would, by universal sentiment, be declared fit subjects for speedy settlement and early adjudication. They were not less just because they were made against the Government, and not against individuals. They were not less due to the citizen than they would be if his claim had been against a fellow-citizen, and not against the Government. And yet many of these claims had been upon the calendar for the period of ten, fifteen, or twenty years, and were no nearer to adjudication now than they were on the first day on which they had been presented.

Now, if it were in the power of Congress to devise any system which would give to these meritorious claimants an earlier hearing; if it were in the power of Congress to devise a system by which those claims could be adjudicated at an earlier day than that at which they could now be adjudicated, he asked whether a refusal to do so was not tantamount to a denial of justice? It was more; it was, in many cases, a denial of an express constitutional right. There were many cases—some he himself knew, and he doubted not there were many—where private property had been impressed—taken for public use. Now, the Constitution of the United States, in one of its provisions, had done