

House should be under the control of an individual who had no constitutional right to exercise the duties of the office.

Mr. HIBBARD, (to the Speaker.) Is it not now in order to move that the House proceed to the election of a Doorkeeper?

The SPEAKER. The Chair has decided that if the execution of the order be postponed to a day certain, it will not be in order to proceed to the election until the day fixed by the House. The House has decided the motion to postpone to a day certain the execution of the order; and a motion is now pending to reconsider the vote, and to lay that motion on the table.

Mr. BOYD. I move that the House adjourn. The yeas and nays were asked and ordered.

Mr. STRONG stated that he had paired off with Mr. THOMPSON, of Kentucky.

The question was then taken and decided in the negative—yeas 94, nays 108.

So the House refused to adjourn.

Mr. CARTER moved a call of the House.

Mr. McLANE, of Maryland, (simultaneously addressing the Speaker,) said, he had risen for a similar purpose—to move a call of the House. He desired that his friend from North Carolina, [Mr. STANLY,] and gentlemen on that side of the House, should have the opportunity to sleep upon this question.

Mr. STANLY. We will sleep with a much better conscience than you would if you had elected your Democratic nominee last evening.

Mr. McLANE. We have taken a lesson in conscience—on yesterday—from the other side of the House.

Mr. STANLY. The gentleman from Maryland has been a member of his party too long to allow his conscience to trouble him, I think. He is past that.

The yeas and nays were asked and ordered upon the motion for a call of the House.

Mr. ROOT moved that the House adjourn.

The motion was agreed to.
And the House adjourned.

PETITIONS, &c.

The following petitions were presented under the rule, and appropriately referred:

By Mr. GIDDINGS: The petition of Robert Beath and 42 other citizens of Philadelphia, for the abolition of the internal slave trade.

Also, the petition of R. Sleeper and 32 others, citizens of Livingston county, New York, praying the liberation of Captain Sears and Drayton on prison.

Also, the petition of Robert Beath and 42 other citizens of Philadelphia, and the petition of John M. Yentman and 90 others, citizens of Delaware and Pennsylvania, for the abolition of slavery and the slave trade in the District of Columbia.

Also, the petition of James S. Norris and 110 other citizens of Boonton, New Jersey, for cheap postage.

Also, the petition of John M. Yentman and 87 others, citizens of Delaware and Pennsylvania, for amending the Constitution.

Also, the petition of William Nixon and 60 other citizens of Cincinnati, for general peace between nations.

Also, the petition of Susan M. Wierman and 128 other ladies of Illinois, for excluding slavery from California.

By Mr. HAMMOND: The petition of John Kean and 83 others, citizens of Carroll county, Maryland, praying Congress to abolish the office of chaplain, and henceforth refrain from all legislation on religious subjects. Referred to the Committee on the Judiciary.

Mr. LA SALLE moved to withdraw the papers of W. A. G. Farragut, a Lieutenant in the Navy, from the files of the House, and have them referred to the Committee on Naval Affairs.

Mr. SILVESTER did not vote on the several questions to-day, having paired off with Mr. HARRIS of Alabama, who was compelled to be at home in consequence of the illness of his child.

HOUSE OF REPRESENTATIVES.

MONDAY, January 21, 1850.

The Journal of Saturday was read and approved.

MILITARY EXPEDITION AGAINST CUBA.

Mr. BROWN, of Mississippi, rose and asked the unanimous consent of the House to introduce a resolution.

The resolution was read for information, in the words following:

Resolved, That the President of the United States be requested (if, in his judgment, the public interest will not be endangered thereby) to communicate to the House of Representatives the evidence in his possession, that a considerable number of adventurers were engaged during last summer in fitting out a military expedition within the United States, against a foreign country, and that it was probably destined to invade the island of Cuba; and that he be further requested to communicate to this House copies of all instructions given to Commander Randolph, or any other naval or military officer of the Government, concerning the supposed expedition and invasion, and all correspondence had in reference thereto; and especially that he communicate to the House copies of all orders and instructions given and of all correspondence had in reference to the persons assembled on Round Island, off the southern coast of Mississippi, in the summer of 1849, including copies of the correspondence (if any was had) between the President or heads of Departments and the Governor of Mississippi.

The resolution having been read—
Objections were made to its introduction, by Mr. BUTLER of Pennsylvania, and Mr. MATTE-SON.

Mr. BROWN said, that under the rule of the House, the resolution, being a call for information, would have to lie over one day. He hoped that gentlemen would not persist in their objections to its introduction, but that it might be received and take its place on the calendar.

The SPEAKER. The gentleman from Mississippi, [Mr. BROWN,] as the Chair understands, desires to introduce the resolution; and then, under the rule, the unanimous consent of the House would be required for its consideration to-day. The gentleman, as the Chair understands, does not ask that the resolution should be considered to-day, but that it should lie over and take its place on the calendar of business. Is there any objection?

The objections were persisted in.

So the resolution was not received.

OFFICERS OF THE HOUSE.

Mr. BURT called for the regular order of the day.

The SPEAKER. The business before the House is the motion of the gentleman from Massachusetts, [Mr. ASHMUN,] to reconsider the vote by which the further execution of the order of the House in relation to the election of officers had been postponed until the first of March, 1851, and to lay that motion on the table. And on the motion to lay upon the table, the yeas and nays have been ordered.

Mr. ROBINSON moved that there be a call of the House, and on that motion asked the yeas and nays; which were ordered.

And the question "Shall there be a call of the House?" was then taken and decided in the negative—yeas 73, nays 123.

So a call of the House was refused.

The question then recurred on the motion to lay on the table the motion to reconsider the vote by which the further execution of the order of the House in relation to the election of officers had been postponed until the first day of March, 1851.

And the question was taken and decided in the affirmative—yeas 106, nays 104, as follows:

YEAS—Messrs. Alexander, Alston, Anderson, Andrews, Ashmun, Baker, Boker, Breck, Briggs, Brooks, Burrows, Chester, Butler, Thomas B. Butler, E. C. Cabell, Joseph P. Caldwell, Calvin, Casey, Chandler, Clark, Clingman, Cole, Conger, Conrad, Corwin, Crowell, Deberry, Dickey, Dixon, Duer, Duncan, Alexander Evans, Nathan Evans, Fowler, Freedley, Gentry, Giddings, Goodenow, Gott, Gould, Grinnell, Hallaway, Hampton, Hay, Haymond, Hebard, Hernal, Hilliard, Hoiner, Houston, Howe, Hunter, Jackson, James C. Johnson, Keen, Daniel P. King, George G. King, James G. King, Preston King, Horace Mann, Marshall, Matson, McGaughey, McKissock, Finis E. McLean, Meacham, Moore, Morehead, Morton, Nelson, Nea, Newell, Ogil, Otis, Outlaw, Owen, Phoenix, Pittman, Putnam, Reed, Reynolds, Riley, Rockwell, Rose, Rumsey, Sackett, Schenck, Schermerhorn, Schoolcraft, Shepperd, Spalding, Sprague, Stanly, Alexander H. Stephens, Thaddeus Stevens, Taylor, John B. Thompson, Trombs, Tuck, Underhill, Van Dyke, Vinton, Watkins, White, Williams, Wilson, and Winthrop—105.

NAYS—Messrs. Albertson, Aslie, Averett, Bay, Bayly, Beale, Bingham, Bissell, Booth, Bowdon, Boyd, Albert G. Brown, William J. Brown, Buel, Burt, Joseph C. Cable, George A. Caldwell, Campbell, Carter, Cleveland, Williamson R. W. Cobb, Colcock, Daniel, Disney, Doty, Dunham, Durker, Edmundson, Ewing, Featherston, Fitch, Fuller, Gerry, Gilmore, Gorman, Green, Hall, Hamilton, Harlan, Harlan, Isham G. Harris, Thomas L. Harris, Hubbard, Hoagland, Holliday, Howard, Hubbard, Inge, Andrew Johnson, Robert W. Johnson, Jones, Julian, Kaufman, La Sere, Leffler, Littlefield, Job Mann, Mason, McClelland, McDonald, McDowell, McLanahan, Robert M. McLane, McMullen, McQueen, McWillie, Miller, Millson, Morris, Morse, Olds, Orr, Parker, Penaslee, Peck, Phelps, Powell, Richardson, Robbins, Robinson, Root, Ross, Savage, Sawelle, Seddon, Frederick P. Stanton, Richard B. Stanton, Stetson, Strong, Sweetser, Thomas, Jacob Thompson, James Thompson, Wm. Thompson, Vennie, Walden, Waldo, Wallace, Wellborn, Whitelsey, Wildrick, Wilmot, Woodward, and Young—104.

So the motion to reconsider was laid upon the table.

Mr. POTTER declined to vote, having paired off with Mr. BENNET, of New York.]

QUESTION OF PRIVILEGE.

Mr. BURT rose, he said, to what he conceived

to be a question of privilege. A vote had just been taken to postpone the election of Doorkeeper and Postmaster of this House until a period within but a day or two of the constitutional term of this House. He would submit with great respect to the House, that, in the interval between that time and the present, there would be no such officers as Doorkeeper and Postmaster. And before he took his seat, if the Chair should concur with him that this was a question of privilege affecting the House, he should offer a resolution providing for the contingency that had arisen. The Doorkeeper of the House was one of those officers who were created at the first session of the House of Representatives of the Congress of the United States in the year 1789. Under the resolution which had been adopted by this House—

Mr. ASHMUN interposed to a question of order. He desired to inquire of the Speaker what question there was before the House?

Mr. BURT said that he did not desire to proceed with his remarks if not in order.

Mr. ASHMUN said, that if the gentleman would offer his resolution, the House would know what the question was to which the gentlemen was addressing his remarks.

Mr. BURT. I will then offer the resolution. I have stated that the resolution was a matter of privilege. I do not know that the gentleman from Massachusetts [Mr. ASHMUN] heard me.

Mr. BURT then sent his resolution to the Clerk's table.

The SPEAKER. The gentleman from South Carolina [Mr. BURT] proposes to offer the following resolution, which will be read for information.

The resolution was then read, as follows:

Resolved, That this House, having postponed till the 1st day of March, 1851, the election of Doorkeeper, the Sergeant-at-arms of this House shall perform the duties of Doorkeeper until the Doorkeeper shall be elected.

The resolution having been read—

Mr. ASHMUN said that he objected to its reception.

The SPEAKER. In the opinion of the Chair, the resolution is in order.

Mr. ASHMUN. Will the Chair be so good as to state on what ground the resolution is ruled to be in order?

The SPEAKER. The Chair will state the grounds of the decision. The House, by a vote on Saturday last, postponed the further execution of the order of the House in relation to the election of officers until the first of March, 1851. Until that time has arrived, in the opinion of the Chair, as expressed several times, it will not be in order to proceed to the election of officers; but it will be in order for the House to appoint temporary officers, or persons who shall discharge the duties of those officers. The position occupied by the Doorkeeper and Postmaster is, in the opinion of the Chair, this: they were elected by the House of Representatives of the last Congress. Under the practice of former Congresses, from the first Congress down to the present time, the old officers of the previous House have continued to discharge the duties of the respective offices until their successors should have been elected. And the Chair thinks that the officers of the last House can continue to discharge the duties of these offices in the present House until their successors shall have been elected—holding their offices, in the interval, by the sufferance of the House. But the House can at any time provide other persons to discharge these duties. They are not the regularly elected officers of this House, and they hold their offices at the sufferance, and by the will, of the House. This being the state of the case, and the question being one affecting the organization of the House, the Chair decides that it is a question of privilege.

Mr. ASHMUN desired the Speaker to state upon what ground he had ruled the resolution of the gentleman from South Carolina [Mr. BURT] to be in order. The Chair had given a construction to a rule of the House, but upon what ground was it that the gentleman from South Carolina [Mr. BURT] could rise in his place and offer this resolution without leave of the House?

The SPEAKER. Upon the ground that it is a question of privilege, affecting the organization of the House. Suppose that the House were without officers; would it not be a question of privilege that the House should perfect its organization? Suppose that the House desired to remove an officer

hundred and thirty, to many of which most valuable assistance was rendered. He also adds that he had saved the lives of eleven persons while on that station, and that the Hamilton had boarded and spoken 1,505 vessels.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. HUNTER,

Ordered, That the petition of Alexander G. P. Garnett, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. SEWARD,

Ordered, That the report of the Secretary of the Interior, communicating papers relating to John A. Rogers, asking for a pension, be referred to the Committee on Pensions.

On motion by Mr. DICKINSON,

Ordered, That the petition of Daniel G. Garnsey, on the files of the Senate, be referred to the Committee on Military Affairs.

On motion by Mr. KING,

Ordered, That the documents on the files of the Senate, relating to the claim of Thomas Rhodes, be referred to the Committee on the Post Office and Post Roads.

REPORTS FROM COMMITTEES.

Mr. DICKINSON, from the Committee on Finance, to which was referred the bill to establish a branch of the mint of the United States in the city of New York, together with all the memorials relating to the subject, reported the bill without amendment, and recommended its passage.

Mr. GREENE, from the Committee on Military Affairs, asked to be discharged from the further consideration of the petition of Mrs. Frances Fowler and Mrs. Frances P. Gardiner, and that they be referred to the Committee on Pensions; which was agreed to.

Mr. SHIELDS, from the Committee on Public Lands, to which was referred the numerous petitions of the registers and receivers of the General Land Office, asking increase of compensation for entry of military bounty land warrants, reported "An act respecting the compensation of the registers and receivers of the United States land offices for locating Mexican bounty land warrants."

Also, from the same committee, to which was referred the petition of Richard Chancy, reported a bill for the relief of the preemption claimants of the lands upon which the towns of Fort Madison and Burlington, in Iowa, are situated.

Mr. FELCH, from the Committee on the Public Lands, to which was referred the petition of citizens of the parish of Terrebonne, in the State of Louisiana, asking the confirmation of a sixteenth section of land sold by the register at New Orleans, reported a bill to confirm the sale of school lands made to J. B. Gregoire and P. Gregoire, in Louisiana, accompanied by a report; which was ordered to be printed.

Mr. BALDWIN, from the Committee of Claims, to which was referred the documents relating to the petition of the American Colonization Society, asking remuneration for the support of Africans captured by the United States ship Yorktown and landed in Liberia, reported the same without amendment, accompanied by a report; which, with the accompanying documents, were ordered to be printed.

Mr. NORRIS, from the Committee of Claims, to which was referred the bill for the relief of Theodore Offutt and accompanying documents relating to the same, reported it back without amendment, and recommended its passage.

Mr. SMITH, from the Committee of Claims, to which was referred the bill to grant a certain quantity of land to the State of Iowa, for the purpose of aiding said State to construct a railroad from Dubuque to Keokuk, reported the same back with amendments.

After an explanation from Mr. SMITH, the bill and amendments were ordered to be printed.

Mr. MASON, from the Committee for the District of Columbia, to which was referred the memorial of the Trustees of the Georgetown Methodist Episcopal Church, reported a bill to enable the Trustees of the Methodist Episcopal Church, in the District of Columbia, to hold certain property for the purposes therein named.

The bill was then read a third time, by unanimous consent, and passed.

BILLS INTRODUCED ON LEAVE.

Mr. MASON, in pursuance of notice, asked and obtained leave to introduce a bill to change the time for holding the district courts of the United States in the western district of Virginia, and for

other purposes; which was read a first and second time by its title, and referred to the Committee on the Judiciary.

Mr. YULEE, in pursuance of notice, asked and obtained leave to introduce a bill to promote the efficiency of the naval establishment by providing a retired list for disabled officers; which was read a first and second time by its title, and referred to the Committee on Naval Affairs.

Mr. DODGE, of Iowa, in pursuance of notice, asked and obtained leave to introduce a bill for the improvement of the Des Moines and Rock River Rapids, in the Mississippi river; which was read a first and second time by its title, and referred to the Committee on Commerce.

NOTICES OF BILLS.

Mr. HUNTER gave notice that he would tomorrow, or some subsequent day, ask leave to introduce a bill to establish a board of accounts.

Mr. FELCH gave notice of his intention to ask leave to introduce a bill to provide for the survey of the public land in California and New Mexico, and for the settlement of the titles and claims to land, and the granting of donation rights therein.

RESOLUTIONS.

Mr. WEBSTER submitted the following resolution:

Resolved, That provision ought to be made by law that every male citizen of the United States, and every male person who has declared his intention of becoming a citizen according to the provisions of law, of twenty-one years of age or upwards, shall be entitled to enter upon and take any one-quarter section of the public lands which may be open to entry at private sale, for the purposes of residence and cultivation; and that when such citizen shall have resided on the same land for three years, and cultivated the same, or if dying in the mean time, the residence and cultivation shall be held and carried on by his widow or his heirs, or devisees, for the space of full three years from and after making entry of such land, such residence and cultivation for the said three years to be completed within four years from the time of such entry, then a patent to issue for the same to the person making entry, if living, or otherwise to his heirs or devisees, as the case may require: "Provided, nevertheless, that such person so entering and taking the quarter section as aforesaid shall not have, nor shall his devisees or heirs have, any power to alienate such land nor create any title thereto in law or equity, by deed, transfer, lease, or any other conveyance except by devise by will."

Mr. RUSK moved that the resolution be printed. The resolution lies over under the rule, and the motion to print was laid over also.

THE ROUND ISLAND EXPEDITION.

Mr. DAVIS, of Mississippi, submitted the following resolution:

Resolved, That the President of the United States be requested, as far as compatible with the public interest, to communicate to the Senate copies of the instructions given and orders issued in relation to the assemblage of persons on Round Island, east of Mississippi, during the summer of 1849, and the correspondence between the President or Heads of Departments and the Governor of Mississippi and the officers, naval or military, of the United States in reference to the observation, investment, and dispersion of said assemblage upon said island.

THE VICE PRESIDENT. The resolution lies on the table one day under the rule.

Mr. FOOTE. I hope that such a resolution as that submitted by my colleague may, under all the circumstances, be taken up and considered at the present time. It is merely a resolution of inquiry.

There being no objection made, the resolution was taken up and adopted.

PORT OF DELIVERY AT PADUCAH.

On motion of Mr. UNDERWOOD,
Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a port of delivery at the town of Paducah, in the State of Kentucky.

The resolution was agreed to.

RECOVERY OF FUGITIVE SLAVES.

Mr. MASON. A bill which was reported by the Committee on the Judiciary a few days since, to provide for the more effectual execution of the third clause of the second section of the fourth article of the Constitution of the United States, was made the order of the day for to-morrow. It is my design, when the bill is taken up, to offer two amendments which I hold in my hand. I ask leave now to lay them on the table, and to move that they be printed.

The amendments are as follow:

At the end of the 5th section add: "And any person or persons offending against the provisions of this section, to be moreover deemed guilty of a misdemeanor in obstructing the due execution of the laws of the United States, and, upon conviction thereof, shall be fined in the sum of one thousand dollars, one-half whereof shall be to the use of the informer, and shall also be imprisoned for the term of twelve months."

At the end of section 6th add: "And in an trial or hearing under this act shall the testimony of such fugitive be admitted in evidence."

The motion to lay on the table was agreed to, and the question of printing was referred to the Committee on Printing.

TERRITORIAL GOVERNMENTS.

The Senate then proceeded to the consideration of the special order, being the resolution offered by Mr. FOOTE, as follows:

"*Resolved*, That it is the duty of Congress at this session to establish suitable Territorial Governments for California, for Deseret, and for New Mexico."

Mr. CASS resumed his speech, which was unfinished at the adjournment yesterday; at the conclusion of which—

Mr. BUTLER. If no other gentleman is disposed to address the Senate on the subject, I move to lay the question on the table for the present, with the understanding that it shall be taken up at any time when any gentleman is ready to discuss it. My principal object is to proceed to the consideration of the bill which was made the special order for to-day. It is a practical question, and I believe has now been reported three times to the Senate.

Mr. FOOTE. Will the honorable gentleman allow me to suggest that the honorable Senator from Vermont [Mr. PHILLIPS] was entitled to the floor when I made the motion to make my bill the special order for yesterday, to give the honorable Senator from Michigan an opportunity to be heard upon it, and that the honorable Senator from Vermont in courtesy yielded the floor, with the understanding on my part, in accordance with which I am now bound to act; that, so far as I could control it and get my friends to act with me, I would vote for taking up the resolutions which had been laid on the table, for the purpose of giving him an opportunity to express his views in regard to them.

Mr. BUTLER. I yield the floor with great pleasure and great cordiality. I hope I shall be the last man to deny a courtesy to any Senator; but I will renew the motion to take up the bill to-morrow.

Mr. FOOTE. I believe the best course to be taken with regard to my resolution will be to move to refer it to the Committee on Territories.

Mr. SEWARD. I have an amendment which I wish to offer before this resolution is referred. The amendment is as follows:

"*Provided*, That in each and every bill for the organization of a Territorial Government in either of said Territories, it shall be enacted that neither slavery nor involuntary servitude, except for crime, shall ever exist in said Territory."

Mr. FOOTE. I will move, then, to lay it on the table for the present.

The resolution was accordingly laid on the table.

Mr. BELL. I would suggest, as the hour is getting too late to enter on the discussion of the resolutions offered by the honorable Senator from Vermont, the propriety of taking up the unfinished business of yesterday, relating to the dam at the mouth of the Cumberland river.

Mr. SEWARD. As I understand the honorable Senator from New Hampshire [Mr. HALE] submitted an amendment, the same in substance as the one which I have proposed to offer, I will withdraw it.

Mr. DAWSON. If the amendment has been received, I claim to have it read.

Mr. KING. I was going to state that there was no amendment offered. There was a suggestion that an amendment would be offered. It could not at that time be received; therefore it is entirely within the power of the honorable Senator from New York to withhold his amendment if he thinks proper and offer it at a proper time. It has not been received at all, nor can it be received at this time. I will now move to proceed to take up the unfinished business.

The motion was agreed to.

CUMBERLAND DAM.

The VICE PRESIDENT. The Senate will now proceed, as in Committee of the Whole, to the consideration of the bill making an appropriation for the repair and improvement of the dam at the head of Cumberland Island, on the Ohio river.

Mr. DAVIS, of Mississippi. When the bill was informally passed over yesterday, I was submitting a statement to the Senate, which was then,

man from Georgia [Mr. STEPHENS] is well taken, the resolution cannot be considered to-day except by unanimous consent.

Mr. WILLIAMS said, that before the resolution was voted upon he wished to offer an amendment.

The SPEAKER. It is not now in order.

Mr. WILLIAMS. I give notice that I shall offer an amendment, that the Sergeant-at-Arms also perform the duties of Postmaster.

Mr. TOOMBS rose to inquire of the Speaker whether the House had not heretofore decided his resolution to be out of order.

The SPEAKER said, the Chair thought not. When the resolution was introduced on a former occasion, the Chair entertained it upon the ground that it was a question of privilege. The House reversed this decision—thus deciding that it was not a question of privilege. The Chair now conformed to that decision of the House, and did not rule this to be a question of privilege.

After some conversation between Mr. SCHENCK and the SPEAKER, the question "Shall the decision of the Chair stand as the judgment of the House?" was taken, and decided in the negative—yeas 94, nays 101, as follows:

YEAS—Messrs. Alberson, Ashe, Averett, Bay, Beale, Bingham, Biswell, Booth, Bowdon, Bowlin, Boyd, Albert G. Brown, William J. Brown, Buel, Burt, Joseph C. Brown, George A. Caldwell, Joseph P. Caldwell, Campbell, Carter, Cleveland, Williamson R. W. Cobb, Colcock, Dimmick, Disney, Dunham, Durkee, Edmundson, Fitch, Fuller, Gerry, Gorman, Green, Hall, Hamilton, Haralson, Harlan, Isham G. Harris, Sampson W. Harris, Thomas L. Harris, Hubbard, Holliday, Howard, Andrew Johnson, Robert W. Johnson, Jones, Kaufman, La Sere, Leffer, Littlefield, Job Mann, Mason, McClelland, McDonald, McDowell, B. M. McLane, McMullen, McQueen, McWille, Meade, Miller, Milson, Morris, Morse, Olds, Orr, Parker, Peaslee, Peck, Potter, Richardson, Robbins, Robinson, Root, Ross, Savage, Sawtell, Frederick P. Stanton, Richard H. Stanton, Sietson, Sweetser, Thomas, Jacob Thompson, James Thompson, William Thompson, Venable, Walden, Waldo, Wallace, Wellborn, Whitley, Wilmot, Wood, and Young—94.

NAYS—Messrs. Alexander, Allen, Alston, Anderson, Andrews, Baker, Breck, Briggs, Brooks, Burrows, Chester Butler, Thomas B. Butler, E. Carrington Cabell, Calvin Casey, Chandler, Clark, Clingman, Cole, Conger, Conrad, Corwin, Delery, Dickey, Dixon, Doty, Duer, Duncan, Alexander Evans, Nathan Evans, Featherston, Fowler, Freedley, Gentry, Giddings, Gott, Gould, Hallaway, Hampton, Hay, Haymond, Helard, Henry, Hilliard, Holmes, Houston, Howe, Hunter, Inge, Jackson, J. L. Johnson, Kerr, Daniel P. King, George G. King, James G. King, John A. King, Preston King, Horace Mann, Marshall, Mattoon, McGaughey, McKissock, F. E. McLean, Mencham, Moore, Morehead, Morton, Nelson, Ogle, Otis, Outlaw, Owen, Phoenix, Pittman, Putnam, Reed, Risley, Rockwell, Runsey, Sackett, Schenck, Schermerhorn, Shepperd, Silvester, Spalding, Sprague, Stanley, A. H. Stephens, T. Stevens, Taylor, John H. Thompson, Thurman, Toombs, Underhill, Van Dyke, Vinton, Watkins, White, Williams, Wilson, and Winthrop—101.

So the decision of the Chair was reversed, and the House decided that the resolution was not in order.

[Mr. BOWIE, when his name was called, voted—but subsequently, by unanimous consent, withdrew his vote. He had agreed with his colleague [Mr. HAMMOND] not to vote in the event of his [Mr. H.] not being in his seat.]

SLAVERY.

Mr. GORMAN sent to the Speaker's table the following resolutions, giving notice of his intention to offer some remarks upon them at the proper time:

With a view to harmonize and settle the conflicting sentiments of the people on the subject of slavery, and to preserve the integrity of the union of the States:

Resolved, That the Committee on Territories inquire into the expediency of admitting California into the Union with her present constitution, reserving to Congress the right hereafter to form a State or States out of her present boundaries, which said new States shall lie north of 36° 30' north latitude.

Also, to embrace a provision for another State put of the present limits of Texas, in accordance with the resolutions of annexation, which State shall be west of the Colorado, with any further regulations as to boundary as may be necessary.

Also, to embrace a provision organizing Territorial Governments for New Mexico and Desert; which Territorial Governments shall recognize the right of the people to govern themselves as they may think best calculated to secure their liberty, happiness, and prosperity, untrammelled by any action of Congress "other than by the consent of the governed," under the restrictions and limitations of the Constitution of the United States.

Also, to embrace in the same general bill a proposition to purchase of the State of Texas all that part of her present boundary which lies north of 34° north latitude, according to the map attached to the treaty of Guadalupe Hidalgo; which territory, when so purchased, shall be attached to the limits of New Mexico and governed according to the laws and institutions which may be therein established.

The resolution lies over under the rule.

POSTAGE.

Mr. BROWN, of Indiana, introduced, on leave, a bill to reduce the rates of postage, and for other purposes; which was read twice and referred to the Committee on the Post Office and Post Roads.

Mr. GORMAN gave notice of his intention to introduce a bill to grant to the State of Indiana, for the benefit of said State, one additional township of land in lieu of one in controversy in the Supreme Court of said State.

THE DOORKEEPER AGAIN.

Mr. DUNHAM offered the following resolution:

Resolved, As the sense of this House, that no person has been legally chosen and qualified to perform the duties of Doorkeeper of this House for the present Congress.

Resolved, therefore, That George R. Herrick, of New York, be and he is hereby authorized to perform the duties of Doorkeeper of this House, until such officer shall be duly elected; and that he be required to take the usual oath of such officer.

Mr. MOORE moved that the resolution be laid on the table.

Mr. CLINGMAN objected to the reception of the resolution as out of order.

The SPEAKER decided that the first resolution was in order. The second resolution, under the decision of the House, was out of order.

Mr. STEPHENS, of Georgia, said he proposed to debate the resolution.

So the resolution went over for debate.

Mr. HARLAN submitted the joint resolutions of the Legislature of Indiana, instructing the Senators and requesting the Representatives from that State to cast their votes and use their influence to have ingrafted upon any law that may be passed for the organization of Territories recently acquired from Mexico, a provision excluding from such Territories slavery and involuntary servitude except for the punishment of crimes of which the party is duly convicted; which were ordered to lie on the table and be printed.

Also, the joint resolutions of the Legislature of Indiana in relation to the costs in the District and Circuit Courts of the United States, involving questions of patent rights by patentees and their assignees who are insolvent; which were read and referred to the Committee on the Judiciary.

Also, joint resolutions of the Legislature of Indiana, praying a reduction of the price of the public lands in the Great Miami Reserve in the State of Indiana; which were referred to the Committee on Public Lands and ordered to be printed.

MILITARY EXPEDITION AGAINST CUBA.

Mr. BROWN, of Mississippi, submitted the following resolution, viz:

Resolved, That the President of the United States be requested (if, in his judgment, the public interest will not be endangered thereby) to communicate to the House of Representatives the evidence in his possession that a "considerable number of adventurers were engaged during last summer in fitting out a military expedition within the United States against a foreign country, and that it was probably destined to invade the island of Cuba;" and that he be further requested to communicate to this House copies of all instructions given to Commander Randolph, or any other naval or military officer of the Government, concerning the supposed expedition and invasion, and all correspondence had in reference thereto; and especially that he communicate to the House copies of all orders and instructions given and of all correspondence had in reference to the persons assembled on Round Island, off the southern coast of Mississippi, in the summer of 1849, including copies of the correspondence (if any was had) between the President or heads of Departments and the Governor of Mississippi.

The resolution, under the rule, lies one day on the table.

PRE-EMPTIONS.

Mr. BROWN, of Mississippi, introduced, on leave, a bill to perpetuate preemptions to actual settlers on the public lands; which was read twice. Referred to the Committee on Public Lands, and ordered to be printed.

Also, on leave, introduced a bill to incorporate the Columbian Manufacturing Company of the District of Columbia; which was read twice and referred to the Committee on the District of Columbia.

DEPARTMENT OF THE INTERIOR.

Mr. THOMPSON, of Mississippi, asked leave to introduce a bill, (of which previous notice had been given,) of the following title: "A bill to repeal the act entitled 'An act to establish the Home Department, and to provide for the Treasury Department an Assistant Secretary of the Treasury, and Commissioner of the Customs.'" Objection was made.

The SPEAKER stated the question to be on granting leave.

Mr. THOMPSON, of Mississippi, asked the yeas and nays, but withdrew the demand.

The question was then taken, and leave was granted.

So the bill was introduced, and having been read twice by its title—

Mr. THOMPSON moved that it be referred to the Committee of the Whole on the state of the Union.

In making this motion, Mr. T. remarked that there was no detail in it, otherwise he should move the reference of the bill to a standing committee.

The question was then taken, and having been decided in the affirmative, the bill was referred to the Committee of the Whole on the state of the Union.

At a subsequent period of the day—

Mr. BAYLY rose and said he did not think that an important bill of this character should be sent to the Committee of the Whole on the state of the Union without having first undergone the revision of a standing committee. He moved, therefore, that the vote by which the bill had been referred to the Committee of the Whole on the state of the Union be reconsidered, with a view (should that motion prevail) to move its reference to the Committee of Ways and Means.

The question having been taken and decided in the affirmative—

The vote was reconsidered.

And then, on motion of Mr. BAYLY, the bill was referred to the Committee of Ways and Means.

CLERKS IN THE HOME DEPARTMENT.

Mr. THOMPSON, of Mississippi, offered the following resolution; which was read, viz:

Resolved, That the Secretary of the Interior be directed to inform this House whether any extra or temporary clerks, not specifically designated and appropriated for by law, have been employed in any of the offices of the Department of the Interior since the 4th of March, 1849; and if any, to state the reason for their employment, and the law authorizing it. Also, to furnish a list of the same from each office, showing the specific business on what they are or have been employed, the rate of compensation paid to each, and designating the appropriations out of which their compensation is paid. Also, to furnish a list of all persons who are or have been employed in the office of the Interior Department proper, exclusive of the Secretary and Chief Clerk of said Department, showing the rate of compensation paid to each, the appropriations out of which said compensation is paid, and the law authorizing the same. Also, to furnish a statement of the contingent expenses of said Department up to the 1st of January, 1850, and the appropriations out of which they are paid. Also, to inform this House whether he has caused the transfer of any clerk or clerks, appointed as such, in any of the offices now belonging to the said Department of the Interior to the discharge of duties in the office proper of said Department, and to state the authority for such transfers, if any, and whether the services of such clerks are no longer wanted in the offices in which they hold their appointments.

Mr. PUTNAM submitted, as a point of order, that the same member had no right to introduce a bill and a resolution.

Mr. THOMPSON, of Mississippi, said he had as yet introduced no resolution, and the bill had been introduced on leave.

The SPEAKER said if the point of order was insisted upon, the gentleman from Mississippi [Mr. THOMPSON] could not introduce the resolution.

Mr. THOMPSON, of Mississippi, said the rule was emphatically that each member had a right to offer a resolution. This right he possessed. He had asked leave to introduce the bill, and that was a different affair. He claimed his right to offer the resolution.

The SPEAKER said the practice had been that whenever a member had introduced a bill or resolution, he was not entitled to introduce another.

Mr. WINTHROP suggested his own strong impression to be, that during the last two years it had been ruled that a member had the right to introduce a bill and a resolution.

The SPEAKER said, the Chair had been governed entirely by its recollection of the practice of the House: If the Chair was mistaken, the gentleman from Mississippi [Mr. THOMPSON] would be entitled to introduce the resolution.

Some conversation followed; after which the resolution was received.

Mr. THOMPSON, of Mississippi, moved to suspend the rules, for the purpose of considering the resolution at this time; and on that motion he asked the yeas and nays, which were ordered.

witnesses, it appears that Mr. Horner had good cause for dismissing the page referred to in the charges. Not in consequence of dishonesty, but for being remiss and inattentive to duty, and quarrelsome with the other pages. It is proper for me to remark in this connection, however, that the testimony of the other pages is to be taken with some allowance, owing to strong prejudice existing among them against James Moore, the discharged page. It appears that James was more fortunate than the other pages in getting subscriptions for speeches, and the like, upon which the pages get a premium of some two cents the hundred.

The second branch of the charge—that of making a false charge against the boy, as the reason of his dismissal, &c.—is far more important, as involving the character of the page in question. If the boy was actually discharged, as the testimony pretty clearly shows that he was, prior to Mr. Calhoun's death, certainly this charge of being light-fingered, and of having taken five or six pairs of gloves at Mr. Calhoun's funeral, had nothing to do with his dismissal. If, however, the boy was not fully discharged, as Mr. Horner avers he was not, from the fact of his having offered him a situation in the folding-room, and having told him, when meeting him at the gate, "to come up to the House, and he would see what could be done for him," it becomes important to inquire into the charge about the boy having taken gloves. Although the boy Queen testifies that James told him that he had four or five pairs of gloves; yet, from the testimony of the Sergeant-at-Arms and his messenger, the committee were strongly impressed with the belief, that at the time of the conversation between James and young Queen, no gloves were missing. I am free to say, for myself individually, that I fully acquit the boy of the charge of having taken more than one pair of gloves, the same as the other pages.

The charge concerning the certifying for his brother whilst absent from the city and holding a Government appointment, it appears to me, is fully sustained. How far the House will justify him, in consequence of others having done wrong also, is for the House to determine. The facts in the case are fully and clearly stated in the report. Thomas C. Horner, upon the certificate of Robert E. Horner, drew his per diem compensation for services which should have been performed about this Capitol, from the middle of May until the middle of November, and during the same time, or rather from the 8th day of June, during all the time of his absence, he drew from the Treasury of the United States his salary as light-house keeper at Sheboygan. It is true, undoubtedly, that many instances have occurred where persons in the employment of the House have been absent for weeks and months, and yet have drawn their pay. But this, I venture the opinion, is the only instance in the history of our Government in which, for nearly six months together, a subordinate officer of this House has drawn, upon the certificate of a congressional certifying officer, pay for labor performed by the day, whilst notoriously absent, holding a Government appointment.

That Mr. Horner has been strict with all others in his employment, whilst thus acting toward his brother, is to my mind a poor justification. That it had been usual in the recesses of former Congresses to turn the person holding the situation of Thomas C. Horner over to the folding room, under the corrected testimony of W. T. Stewart, hardly admits of a doubt. That Mr. Stewart himself was fully competent to discharge the duties assigned him, without an assistant, is equally clear. Mr. Horner himself having used his influence in April to get his brother appointed general superintendent of light-houses, it is hardly supposable, that he was ignorant of the fact, that his brother actually did receive the appointment of keeper of the light-house at Sheboygan. Between Mr. Horner and his brother, the matter is pretty adroitly managed. During the recess of Congress Mr. Stewart alone could take care of this Hall and the Committee Rooms, and Mr. Thomas C. Horner could discharge the duty of light-house keeper at Sheboygan. At the close of navigation on the Lakes in November, he would no longer be needed in charge of the light-house, and he could then return to his duty as Doorkeeper's messenger, and could remain here until the navigation was about to reopen on the Lakes. In this manner it has

been managed through, to say the least, the connivance of Robert E. Horner, to let Thomas C. Horner draw double pay, from the 8th day of June until the 28th day of February.

Mr. BROWN asked Mr. OLDS if there had been any testimony offered before the committee, showing that Congress had ever sanctioned the payment of the absentees referred to by Mr. Horner in his defence?

Mr. OLDS replied that no such testimony had been produced. It was, however, in evidence, that this subject had been before the Committee of Claims. After that committee had passed upon all the claims for the subordinates for services rendered during the recess of Congress, and allowed them, charges were preferred against Mr. Horner before that committee. This case there received an investigation, charges of somewhat a similar character against the Clerk of the House were also before that committee. The investigation resulted in a recommendation upon the part of the Committee of Claims, that hereafter no one should be paid, unless actually in discharge of the duties of his appointment.

Mr. McDONALD inquired of Mr. OLDS, if it had been in proof before the committee, that in any one instance any person had received pay for labor performed here by the day whilst absent holding a Government appointment?

Mr. OLDS replied, that he had already stated, that so far as came to the knowledge of the committee this case stood alone, and unprecedented.

Mr. O. said that, in accordance with the instruction of the committee, he renewed his motion to postpone the further consideration of the report until Monday next, and that the report and testimony be printed.

Mr. HALL suggested to the gentleman from Ohio [Mr. OLDS] to exclude from the motion to print so much of the evidence of Mr. Stewart as had been subsequently corrected.

Some conversation followed between Mr. OLDS and Mr. HALL.

Mr. INGE demanded the previous question on the motion to print.

The SPEAKER said, the Chair would state for the information of the House, that if the previous question should be seconded, it would cut off the motion to postpone.

Mr. INGE. That being the case, I shall withdraw my motion.

So the demand for the previous question was withdrawn.

The SPEAKER stated the question to be on the motion to postpone.

Mr. BROWN, of Mississippi, desired to be informed by the Speaker, what the effect of the motion to postpone to Monday next would be. If that motion should be agreed to, would the report come up on Monday next as a privileged question?

The SPEAKER was understood to answer in the affirmative.

Mr. STONG called for a division of the question, so that the question might be taken separately on the motion to print. He was opposed to the printing.

And the question was taken, first, on the motion to postpone, and was decided in the affirmative, without a division.

So the further consideration of the report was postponed until Monday next.

The SPEAKER. The pending question now is on the motion to print the report and accompanying documents.

Mr. INGE demanded the previous question. There was a second. And the main question was ordered to be now taken.

And the question was then taken and decided in the negative.

So the House decided that the report and accompanying documents should not be printed.

ADJOURNMENT OF CONGRESS.

Mr. STEPHENS, of Georgia, asked the unanimous consent of the House to introduce a joint resolution providing for the final adjournment of the two Houses of Congress on Monday, the 15th day of July, at 12 o'clock meridian.

Objections were made.

Mr. STEPHENS moved that the rules of the House be suspended, for the purpose of enabling him to offer the resolution. And on this motion Mr. S. asked the yeas and nays, which were ordered.

The question was taken and the vote stood—yeas 65; nays 114, as follows:

YEAS—Messrs. Allen, Anderson, Ashe, Averett, Bay, Bayly, Beck, Bowden, Albert G. Brown, Buggins, But, E. Carrington Cabell, George A. Caldwell, Joseph P. Caldwell, Clingman, Williamson R. W. Cobb, Colecock, Crowell, Deberry, Featherston, Gilmore, Green, Hilliard, Harlan, Harlan, Isham G. Harris, S. W. Harris, Holliday, Holmes, Howard, Hubbard, Inge, Joseph W. Jackson, Andrew Johnson, James L. Johnson, Robert W. Johnson, James Kaufman, La Sere, Marshall, Mason, McGaughey, McMullen, McQueen, McWhirter, Meade, Miller, Milson, Orr, Owen, Potter, Seidson, Shepherd, Richard H. Stanton, Alexander H. Stephens, Thadden, Stevens, Thomas, Jacob Thompson, William Thompson, Toombs, Venable, Wallace, Watkins, Williams, and Woodward—65.

NAY—Messrs. Albertson, Alexander, Bennett, Bissell, Booth, Bowie, B. W. Boyd, Briggs, Brooks, William J. Brown, Buel, Charles Butler, Thomas B. Butler, Joseph Cable, Calvin, Campbell, Carter, Cassey, Chandler, Clarke, Cole, Conger, Conrad, Corwin, Daniel, Dickey, Dinwiddie, Disney, Dyer, Duncan, Duham, Durkee, Nathan Evans, Finch, Fowler, Fuller, Gerry, Gerry, Gorman, Gott, Gould, Grinnell, Hall, Hallaway, Hamilton, Hammond, Hampton, Thomas L. Harris, Haymond, Heba, Henry, Hubbard, Houston, Howe, Hunter, Willam T. Jackson, Julian, Kerr, Daniel P. Kniz, George G. King, John A. King, Preston King, Lester, Littlefield, House, Mann, Matheson, McDonald, McKissock, McLanahan, Robert M. McLean, Meacham, Morris, Newell, Ogle, Odis, Ous, Outlaw, Parker, Peaslee, Peck, Phelps, Pomeroy, Pittman, Putnam, Red, Reynolds, Richardson, Riley, Robbins, Robinson, Root, Sackett, Sawville, Schenck, Schooncraft, Silverator, Spalding, Stanly, Steben, Strong, Sweetser, Taylor, John B. Thompson, Tuck, Vinton, Walden, Waldo, Wentworth, White, Whittey, Wildrick, Winthrop, and Wood—104.

So the rules were not suspended and the resolution was not received.

CUBA.

Mr. INGE again asked the unanimous consent of the House to offer the following resolution, which he had before asked leave to submit and which had been objected to by the gentleman from Mississippi. If objection was made he should move a suspension of the rules.

The resolution was read, as follows:

Resolved, That the President be requested to communicate to the House (as soon as practicable) all the information in possession of the Government, "rendering it most probable that a military organization has been so far forth, within the United States, formidable both in numbers and from the character of those engaged in it, for the purpose of attacking the Island of Cuba and revolutionizing the Government."

Resolved, That he be requested further to inform this House what action he has taken in his official character to prevent the landing of American volunteers upon the Island of Cuba, and to defeat the efforts being made to redeem said Island from the dominion of Spain. Also, whether he has "directed orders to be issued for the vessels of the Home Squadron, as also for the steamer Saranac and frigate Congress to proceed forthwith to the Island of Cuba, for the purpose of ascertaining whether any military force organized in the United States, was proceeding from thence to Cuba for the purpose of invading that Island and revolutionizing the Government, with express instructions, in the event of such being the case, to prevent the landing of any such force, or the carrying out of any such expedition or enterprise; and with further instructions, in the event of a landing having been effected, to prevent the landing of any reinforcement, or of any arms or provisions under the American flag, intended for such expedition or enterprise."

Mr. TUCK objecting.

Mr. INGE moved a suspension of the rules for the reception of the resolution.

Mr. TUCK rose and said, he wished to inquire of the gentleman from Alabama [Mr. INGE] whether he would be willing to strike out in the resolution the word "redeem," and insert in lieu thereof "reclaim."

No response was heard.

Mr. THOMPSON, of Mississippi, asked the yeas and nays; which were ordered.

Mr. HOUSTON suggested to the gentleman from Alabama the propriety of modifying the resolution by inserting in it, as was usual in resolutions of inquiry, the words "if not inconsistent with the public interests." If the resolution were so modified, he should have no objection to its adoption.

The SPEAKER interposed, and reminded the gentleman that no remarks were in order.

Mr. TAYLOR inquired if it would be in order to call for the reading of the resolution?

The SPEAKER replied that, having been twice read, it was not in order again except by unanimous consent.

The question was then taken and decided in the negative—yeas 92, nays 72; as follows:

YEAS—Messrs. Albertson, Anderson, Ashe, Bayly, Beale, Bissell, Beck, Booth, Bowden, Bowie, Boyd, Albert G. Brown, William J. Brown, Buel, Burr, Joseph Cable, George A. Caldwell, Carter, Clingman, Williamson R. W. Cobb, Colecock, Cole, Daniel, Dinwiddie, Duham, Featherston, Fuller, Gerry, Gerry, Gilmore, Green, Hall, Hamilton, Hammond, Harlan, Harlan, Isham G. Harris, Sampson W. Harris, Thomas L. Harris, Hubbard, Holliday, Houston, Howard, Hubbard, Inge, Joseph W. Jackson,

House

Andrew Johnson, Robert W. Johnson, Jones, Julian, Kaufman, Preston King, La Sere, Leffler, Littlefield, Marshall, Mason, McDonald, McLanahan, Robert M. McLane, McMullen, McQueen, McWhittie, Meade, Miller, Milton, Morris, Newell, Olds, Orr, Owen, Parker, Peaslee, Peck, Phelps, Potter, Richardson, Robbins, Robinson, Sawtelle, Seddon, Richard H. Stanton, Alexander H. Stephens, Sweetser, Thomas, Jacob Thompson, William Thompson, Tombs, Venable, Walden, Waldo, Wallace, Watkins, Wentworth, Whittlesley, Wildrick, Williams, Wood, and Woodward—52.

YAYS—Messrs. Alexander, Allen, Andrews, Bennett, Brock, Briggs, Burrows, Chester Butler, Joseph P. Caldwell, Calvin, Campbell, Casey, Chandler, Clarke, Conger, Conrad, Corwin, Crowell, Deberry, Dickey, Disney, Duncan, Nathan Evans, Fowler, Gorman, Gott, Gould, Grinnell, Hallway, Hamilton, Haymond, Howard, Henry, Howe, Hunter, William T. Jackson, James L. Johnson, Kerr, Daniel P. King, George G. King, John A. King, Horace Mann, Matteson, McGaughey, McKiscock, Meacham, Morton, Ogilvie, Otis, Phoenix, Putnam, Putnam, Reed, Reynolds, Risley, Root, Sackett, Schenck, Schoolcraft, Shepperd, Silvester, Spaulding, Sprague, Stanley, Thaddeus Stevens, Taylor, John B. Thompson, Tuck, Underhill, Vinton, White, Wilson and Whitthrop—72.

So two-thirds not voting in the affirmative the rules were not suspended, and the resolution was not received.

NAVIGATION OF THE OHIO RIVER.

Mr. VINTON desired to present the memorial of Charles Ellet, jr., a gentleman who is favorably and extensively known as a civil engineer, and the constructor of the wire suspension bridges over the Niagara and Ohio Rivers. He begged the indulgence of the House, in presenting this memorial, to make a brief statement of its contents and of the object it proposes to accomplish. The memorial and essay which accompanies it on the physical geography of the Mississippi Valley, show that for a number of years past a series of observations have been made by Mr. Ellet and others, on the physical habits and character of the Ohio River, with the view to ascertain in what way it may be rendered permanently navigable for steamvessels of ordinary draught of water. The result of these observations is given in these papers, from which Mr. Ellet deduces the practicability of rendering the Ohio, and all the other great rivers of the country, permanently navigable, by an expenditure surprisingly small compared to the importance of the end, and entirely within the ability of either the General or State Governments. If the results which Mr. Ellet anticipates can be realized at anything like the cost estimated by him, it will work almost as great a revolution in the internal trade of the country as has been effected by the agency of steam. The memorial, to say the least of it, is a very imposing paper, and entitled to the serious consideration of the House and country.

Mr. BURT rose to a question of order.

The SPEAKER intimated to Mr. VINTON that he could only proceed in his remarks by unanimous consent.

Mr. VINTON. Is not this petition day?

The SPEAKER. This is petition day; but that order of business has not yet been called; nor is the State of Ohio first in order when the States are called for petitions.

Mr. VINTON moved that the rules of the House be suspended to enable him to present the petition.

Mr. JONES called for the yeas and nays.

Mr. THOMPSON, of Mississippi, desired to make an inquiry of the gentleman from Ohio, [Mr. VINTON.] Did the gentleman desire to make a speech, or was his object merely to present the memorial?

The SPEAKER. The gentleman from Ohio [Mr. VINTON] was interrupted in his remarks, and can only proceed by unanimous consent.

Mr. VINTON said, that his object was to give a brief statement of the contents of the memorial, and to ask its reference to the Committee of Claims.

The yeas and nays were refused.

The question, "Shall the rules be suspended?" was then taken and decided in the negative—ayes 86, noes 55.

So two-thirds not voting in the affirmative, the rules were not suspended, and the petition was not received.

Mr. VINTON called for the regular order of the day.

Mr. HALL moved that the rules of the House be suspended, to enable him to offer the following resolution, which was read for information:

Resolved, That the Senate bill No. 50, entitled "An act authorizing the negotiation of treaties with the Indian tribes

in the Territory of Oregon, for the extinguishment of their claims to lands lying west of the Cascade mountains, and for other purposes," be made the special order of the day for Tuesday, the 21st instant.

The resolution having been read, the question was taken and decided in the negative—two-thirds not voting therefor.

So the rules were not suspended, and the resolution was not received.

INCREASE OF THE ARMY.

Mr. BURT said, he desired the permission of the House to report back from the Committee on Military Affairs, to whom it had been referred on a former day, the bill from the Senate providing for the protection of the frontiers. This was the same bill (Mr. B. said) of which the House had heard something on a former day.

Mr. VINTON objected.

Mr. BURT moved that the rules of the House be suspended, to enable him to report the bill.

The question was taken, and the Speaker said, "the yeas evidently have it."

Mr. BURT said, that it might be seen that he had done his duty—he would ask the yeas and nays.

The yeas and nays were ordered.

Mr. PRESTON KING desired to be informed by the Speaker, whether the report could not be presented in the regular call of the committees?

The SPEAKER said, that whenever the committees were called for reports, and the call should reach the Committee on Military Affairs, the report would of course be in order.

Mr. P. KING. That is to say, in the morning hour of every day except Monday?

Mr. VINTON suggested a similar inquiry.

The SPEAKER explained.

The question, "Shall the rules be suspended?" were then taken and decided in the negative—yeas 99, nays 60; as follows:

YEAS—Messrs. Alexander, Allen, Anderson, Baker, Bay, Bayly, Bissell, Bowdon, Bowie, Bowlin, Briggs, Albert G. Brown, W. J. Brown, Burrows, Burt, Chester Butler, T. B. Butler, Joseph Cable, George A. Caldwell, Catlin, Carter, Casey, Clarke, Cingman, Corwin, Danieck, Disney, Featherston, Fowler, Fuller, Gentry, Gilmore, Gorman, Gould, Green, Grinnell, Hammond, Harrison, Harlan, T. L. Harris, Haymond, Hubbard, Hillard, Holladay, Houston, Howard, Howe, Inge, Jos. W. Jackson, Wm. T. Jackson, J. L. Johnson, R. W. Johnson, Kaufman, Kerr, J. A. King, La Sere, Leffler, Marshall, Mason, Robert M. McLane, McMullen, McQueen, McWhittie, Meade, Miller, Morehead, Morton, Otis, Otis, Otis, Parker, Peaslee, Peck, Phelps, Putnam, Potter, Richardson, Robbins, Sackett, Seddon, Shepperd, Silvester, S. Spaulding, Sprague, Stanley, Frederick P. Stanton, A. H. Stephens, Taylor, Jacob Thompson, John B. Thompson, Wm. Thompson, Tombs, Underhill, Wallace, Watkins, Whittlesley, Wilson, and Woodward—89.

NAYS—Messrs. Albion, Averett, Beale, Bennett, Boeck, Booth, Boyd, J. P. Caldwell, Chandler, Williamson R. W. Cobb, Colecock, Cole, Conger, Conrad, Crowell, Daniel, Deberry, Dunn, an, Danham, Durkee, Nathan Evans, Gerry, Gott, Hamilton, Hampton, Isham G. Harris, Helward, Henry, Hunter, Andrew Johnson, Jones, Julian, Daniel P. King, Preston King, Littlefield, Horace Mann, Matteson, McKiscock, Morris, Newell, Outlaw, Putnam, Reed, Risley, Root, Savage, Schenck, Schoolcraft, Richard H. Stanton, Sutton, Strong, Sweetser, Thomas, Vinton, Waldo, Wentworth, White, Wildrick, Williams, and Woodward—80.

So, two-thirds not voting in the affirmative, the rules were not suspended, and the report was not received.

THE CENSUS.

Mr. MEADE asked leave to make a report from the joint committee of conference on the disagreeing amendments of the two Houses to the census bill.

THE GALPHIN CLAIM.

Mr. TOOMBS rose to a privileged question, and moved to reconsider the vote by which the House had appointed the fourth Tuesday in June for the consideration of the report of the select committee on the Galphin claim. He did not wish to interrupt the action of the House upon the census bill; he was willing that the motion to reconsider be entered upon the Journal, and called up when it suited the convenience of the House. When it came up, he desired, for particular reasons, to submit some remarks. He was prepared to proceed now, if it was the pleasure of the House.

The SPEAKER. The motion to fix a certain day for the special order, if debatable at all, is debatable only within very narrow limits.

Mr. TOOMBS. Is not the motion to print debatable?

The SPEAKER. It was upon the motion to print that the debate proceeded on Friday.

Mr. TOOMBS. I move also to reconsider the vote by which the printing was ordered.

The SPEAKER. The motion of the gentleman from Georgia will be entered upon the Journal, subject to be called up at any time. The House may not be aware of the character of the report which the gentleman from Virginia [Mr. MEADE] proposes to make. It is the report of the joint committee of conference upon the census bill, and it is desirable that it should be acted on immediately.

Mr. TOOMBS. I have no objection that that report be first considered.

Mr. PRESTON KING was understood to call for the consideration now of the motion to reconsider, if the gentleman from Georgia made that motion.

The question, therefore, being first on the motion of Mr. TOOMBS to reconsider the vote by which the House had appointed as a special order for the fourth Tuesday in June, and order printed the report of the select committee on the Galphin claim—

Mr. TOOMBS said, that he did not intend at this time to argue the principles of law involved in the questions submitted to the committee; that he thought it due to the House and the country that the reports and the evidence taken by the committee should be printed before that argument was had; then he should be prepared to maintain that the claim was just, and ought to have been paid by the United States, and that the interest was legally and properly allowed. His present purpose was chiefly to reply to the remarks of the member from New York, [Mr. Brooks,] and especially to that portion of his remarks which sought to reflect upon the Secretary of War. After that gentleman had addressed the House on Friday, he gave notice to him personally and to the House, that he should avail himself of the earliest opportunity of replying to him; and Mr. T. regretted, after this notice, to see a statement in the Intelligencer this morning from him, correcting a report of his remarks in the Union, and announcing that he, having accomplished his objects, would not report his speech. I did not hear the whole of the member's speech, and I therefore prepared to have an authoritative version of it before I replied to it; as it seems we are not to have that, I shall proceed with a brief history of the case, and such comments as I propose to make upon his card of this morning. The elaborate investigation which that gentleman professes to have given the case has elicited no new fact, it has not shaken the solid foundations of equity and justice upon which the claim rests. He has discovered some imputations in a mass of papers which he has examined, upon the patriotism and fidelity to his country in the war of the Revolution of George Galphin, who sunk in his grave in the midst of that struggle. And although he admits that the evidence satisfies even himself that the imputation was false and unfounded, and that Galphin was a true whig and a patriot, yet he was unwilling to forego the supposed benefit which such an imputation, however false, would give to his position. His malignity, like the ferocity of the hyena, feeds upon the dead as well as the living, and invades the sanctity of the grave of a revolutionary patriot, to gather up aspersions which he admits to be unfounded, in order to assail the reputation of the living. If he has given the investigation to the subject which he professes to have done, he found that no humble man's fidelity to his country in that struggle, was better vouched for than that of George Galphin. Among the papers he would have found testimony of George Walton, one of the signers of the Declaration of Independence; of Judge Stephens, who was attorney of the State during the Revolution, and who was subsequently made district judge of the State of Georgia, (I believe, by General Washington;) of Mr. Habbersham, the Postmaster General of General Washington; of the American General Howe; beside numerous other patriotic men of those times. He would also have found the name of George Galphin in a bill of attainder passed by the Royal Colonial Legislature, at Savannah, while the British were in possession of that city. His patriotism and fidelity to his country are amply established, both by the testimony of his comrades in the struggle, and by the recorded vengeance of the public enemy.

The integrity and justice of the claim is as unsailable as the patriotism of the claimant. None of the reports or arguments submitted; none of the

in the office. Unless, therefore, he can specify some particular case, some existing evil which requires a remedy, it seems to me this would be a reflection upon the officers of the Patent Office. I really think that this amendment is not worth the time which it has occupied.

Mr. DICKINSON. If it be an objection to this amendment that it is a reflection upon the officers, then we would have stopped all sorts of legislation. We are constantly regulating the departments of the Government by legislation; but that is no reflection upon the officers. I shall make no reflection, nor shall I be drawn off by any issues so far-fetched. I have stated over and over again that I did know of cases, of repeated cases, during the last two years, where applications for patents had been taken up out of their order. All I want is a general rule which shall be applicable to all cases.

The amendment was then agreed to.

Mr. CLAY. The hour having arrived for the special order of the day, I hope the gentleman having charge of this bill will consent to its postponement.

Mr. TURNEY. I move that the further consideration of this subject be postponed until half-past twelve o'clock to-morrow.

The motion was agreed to.

INVASION OF CUBA.

Mr. YULEE. I desire, Mr. President, to submit the following resolution:

Resolved, That the President of the United States be requested to inform the Senate whether any and what information has been received by the Executive Departments respecting an alleged revolutionary movement in the island of Cuba, and to communicate to the Senate copies of all correspondence and orders relative thereto.

I wish, Mr. President, to make a single remark only. I was surprised this morning to find an announcement in two of the papers published in this city, that a portion of the ships of the navy, embracing several vessels of war belonging to the United States, have been ordered to the island of Cuba for the purpose of carrying on what seems to me to be a war without the authority of the Congress of the United States. It seems to me—I may have been wrong in the impression which has been produced upon my mind—that we should have the earliest possible intelligence as to the cause which has produced this action.

Mr. WEBSTER, (in his seat.) It is not in order to debate the matter now.

The VICE PRESIDENT. The resolution lies on the table one day under the rules.

THE COMPROMISE BILL.

The Senate proceeded to the consideration of the special order, being the bill to admit California as a State into the Union, to establish territorial governments for Utah and New Mexico, and making proposals to Texas for the establishment of her western and northern boundaries.

Mr. CLEMENS resumed and concluded the speech which he commenced on Thursday last, and was replied to at some length by Mr. FOOTE, of whose speeches a report will be found in the Appendix.

After a brief explanation by Mr. TURNEY, on the motion of Mr. KING, the Senate proceeded to the consideration of executive business, and, after some time spent therein, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, May 21, 1850.

The Journal of yesterday was read and approved.

RECIPROCITY WITH CANADA.

Mr. HARRIS, of Illinois, asked and obtained leave to introduce an amendment to the bill reported the other day from the Committee on Commerce, relative to reciprocity with Canada. The amendment was, on his motion, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

REIMBURSEMENT TO MAINE.

Mr. FULLER asked the unanimous consent to introduce a bill, of which previous notice had been given, that it might be referred to the Committee on the Judiciary and printed.

The title of the bill was read as follows:

"A bill authorizing the payment of interest upon advances made by the State of Maine for the use of the United States Government for the protection of her northeastern boundary."

Objection being made.

The bill was not received.

Mr. F. proposed to move a suspension of the rules for its reception; but the motion was not in order.

Mr. TUCK addressed the Chair, and was recognized.

Mr. JONES called for the orders of the day.

The SPEAKER said the Chair did not know for what purpose the gentleman from New Hampshire [Mr. Tuck] had risen. That gentleman was therefore entitled to the floor until he had stated the object he had in view.

PAY OF OFFICERS OF CUSTOMS.

Mr. TUCK asked the unanimous consent of the House to introduce a bill to regulate the pay of certain collectors, naval officers, and surveyors of the customs, with a view to move its reference and printing.

Objection being made, the bill was not received.

CALIFORNIA.

Mr. THOMPSON, of Mississippi, moved that the House resolve itself into Committee of the Whole on the state of the Union, for the further consideration of the President's message communicating the constitution of California. He withdrew the motion temporarily, at the request of Mr. BOWLIN.

SURVEYS, ETC., OF LAND IN OREGON.

Mr. BOWLIN asked leave to report back from the Committee on Commerce, with amendments, the bill No. 250, entitled "A bill to create the office of surveyor-general of the public lands in Oregon, and to provide for the survey, and to make donations to settlers upon the said public lands, with the view to move their reference to the Committee of the Whole on the state of the Union, and that the amendments be printed.

Objections being made, the bill was not received.

CUSTOM-HOUSE AT MOBILE.

Mr. COLCOCK, from the Committee on Commerce, reported a bill authorizing the erection of a new, or the repairs of the old custom-house, in the city of Mobile, in the State of Alabama.

The bill, on his motion, was referred to the Committee of the Whole on the state of the Union, made the order of the day for to-morrow, and ordered to be printed.

Mr. INGE proposed to move to make the bill a special order for the fourth of July next.

The SPEAKER said, the motion could only be received by unanimous consent.

Objection was made.

Mr. COLCOCK also reported from the same committee a bill authorizing the erection of a new, or the repairs of the old custom-house, in the city of Bath, in the State of Maine.

This bill, on his motion, took the same direction as the bill previously reported by the same gentleman.

Mr. DANIEL asked leave to make certain reports.

Mr. CONRAD objected, not (he said) because of any objection on his part to the reports of the gentleman from North Carolina [Mr. DANIEL] being received, but because he (Mr. C.) wished to make a report from the Committee on Commerce, which was now in order.

MAILS—NEW ORLEANS AND VERA CRUZ.

Mr. C. reported from the Committee on Commerce a bill to authorize the Postmaster General to contract for carrying the mail in steamboats between New Orleans, and Vera Cruz, and intermediate points.

Mr. POTTER inquired if it would be in order to move to recommit the bill to the Standing Committee on the Post Office and Post Roads?

The SPEAKER. The motion would be in order.

Mr. POTTER. I make that motion.

Mr. CONRAD said he hoped not. This bill had been a matter of very thorough consideration by the Committee on Commerce. He thought there was some debate before the reference was made as to what was the appropriate reference. The practice of the House had been various: similar bills, for some time past, had been referred to the Committee on Naval Affairs. In no instance had the subject of the transportation of the mail by sea been acted upon by the Committee on the Post Office and Post Roads. It had heretofore been acted upon by the Committee on Naval

Affairs; but that was because it was contemplated by that bill that the vessels for conveying the mails should be built under contract with the Government, and under the superintendence of the Navy Department, and be commanded by officers of the navy. But this bill provided for nothing of the kind. It provided simply for contracts for carrying the mail by steamers from New Orleans and Vera Cruz. The Committee on Commerce had long had the bill under consideration.

Mr. POTTER interposed, and inquired of the gentleman from Louisiana what rates of postage the bill provided, and what compensation it allowed the steamboats for carrying the mail?

Mr. CONRAD said, the Committee on Commerce had consulted the Post Office Department on the subject, and the bill proposed such rates as the department recommended—viz: twenty cents for letters between New Orleans and Vera Cruz, and the same rate for letters between any one Mexican port and another.

Mr. POTTER said, he understood that the bill made a very important change in the rates of postage.

Mr. CONRAD repeated that it made no change at all in the rates. It adopted the rates fixed by the law of 1845, for letters transported between the United States and any of the West India Islands.

Mr. POTTER. What compensation to the steamships does the bill provide for carrying the mail?

Mr. CONRAD. No compensation is fixed; the bill provides for carrying the mail under contract by the lowest bidder.

He moved that the bill be referred to the Committee of the Whole on the state of the Union, and be printed.

Mr. STRONG said he hoped the motion of the gentleman from Ohio [Mr. POTTER] would prevail. The past experience of this country upon this subject, although short, had been very instructive in regard to this system of contracts for carrying the mail by ocean steamers. The Government had already loaded itself with an annual expense of about one million and a half of dollars, which was to extend during the period of ten years, for the purpose of accommodating those who might have letters to send across the ocean or the gulf. They had, to be sure, fastened a part of this burden upon the naval service; they had treated it, to some extent, as if it were a naval service, whereas it must be apparent to every man who looked into the subject, that it was not a naval service at all; that, if it were a service to be provided for by any Department at all, it was by the Post Office Department. Now, it had long been a settled principle—a principle from which this House, he presumed, had no disposition to depart—that the expenses of the Post Office Department were to bear some proportion to its income; but if they undertook to load the Post Office Department with the expenses of these contracts for carrying the mail by steamers on the Gulf of Mexico, or across the ocean, the people of this country looked in vain for the success of the cheap postage experiment, which some of them had at heart. He was utterly opposed to all this system of contracts for carrying the mail across the ocean or across the Gulf of Mexico, except between our own ports; and he thought at all events, as to a subject of that kind, so intimately connected as it was with the expenses of the Post Office Department, and with the feasibility of reducing the rates of internal postage in the country, it was but fair that it should be referred to that standing committee which had in its charge the wants of the Post Office Department, and all the business connected with the Post Office Department. He wanted that committee to examine how much additional expense was to be imposed upon the Post Office Department—how much less probability there would be of reducing the rates of internal postage, in consequence of carrying the mails by these ocean steamers, under the contracts now proposed by the Committee on Commerce. He thought that subject was as legitimately within the province of the Committee on the Post Office and Post Roads as any other matter which was under their supervision; and he must express his surprise that the Committee on Commerce had felt themselves called upon to step aside from the real wants of commerce—from the real business which, as it seemed to him, appertained to that committee

The hour having expired—
Mr. THOMAS obtained the floor; but yielded to a motion that the committee rise.
The motion having prevailed, the committee rose and reported progress.
And the House adjourned.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. CALVIN: The petition of R. B. Wallace and 45 other citizens of Huntingdon county, Pennsylvania, praying for a modification of the present tariff.

Also, the petition of John Ferguson and 69 other citizens of Pennsylvania, praying that the pension laws granting land to soldiers may be extended to the officers and soldiers of the war of 1812 and to their heirs.

By Mr. HUSTON: The petition of Luman Munsell and others, of Winchester, in the State of Connecticut, praying that no State be hereafter admitted into the Union unless slavery shall be prohibited therein.

Also, from the same, praying for the repeal of all laws enacted by Congress, by which slavery or the slave trade is sanctioned in the District of Columbia, and in the event of their non-repeal, that the seal of the National Government may be removed to some more suitable location.

Also, from the same, praying that slavery and the slave trade may be prohibited in all the territories of the United States.

Also, from the same, praying for the trial by a jury for fugitives before they shall be delivered up to their claimants.

By Mr. HUSTON: The memorial of the Board of Trade of the city of Wilmington, Delaware, asking an appropriation to erect a custom-house in that city.

IN SENATE.

TUESDAY, May 21, 1850.

The VICE PRESIDENT laid before the Senate a communication from the Department of the Interior, made in compliance with a resolution of the 2d instant, calling for the correspondence on file in that department relating to the operations of the commission for running the boundary line between the United States and Mexico, communicating all the information in the possession of the department relating to that service; which was read.

Also, a communication from the Secretary of State, made in compliance with a resolution of the Senate calling for copies of the instructions and correspondence of the agent employed to visit Hungary during the recent war between that country and Austria, transmitting recent dispatches from the resident minister at Constantinople, forming a sequel to the correspondence before enumerated, explanatory of the measures adopted by Mr. Marsh, and the result, under the instructions of the department, dated January 12th, 1850; which was read, and the motion to print referred to the Committee on Printing.

Also, a communication from the Department of the Interior, made in compliance with a resolution of the Senate, calling for the papers of the late Alexander Sanders, a Cherokee Indian, claiming a pension under the treaty of 1835, and a copy of the decision of the Commissioner of Pensions disallowing the claim, covering the evidence filed in the department and the decision of the Commissioner; which was read.

Also, a report from the Secretary of War, made in compliance with a resolution of the Senate, calling for a statement of the extent and value of the commerce of the Ohio and its tributaries; which was read and ordered to be printed.

A message was received from the President of the United States, transmitting reports from the Secretaries of War and the Interior, in compliance with a resolution of the 30th ultimo, calling for information in relation to the hostilities and outrages committed during the past year by the Seminole Indians in Florida; which, with the accompanying documents, were laid on the table, and the motion of Mr. YULEE to print was referred to the Committee on Printing.

MEMORIALS AND PETITIONS.

Mr. BRIGHT presented four petitions from citizens of Indiana, asking the establishment of a mail route from Otterdage to Scipio, in that State; which was referred to the Committee on the Post Office and Post Roads.

Also, the memorial of Seth M. Leavenworth, asking compensation for damages sustained in consequence of an alleged violation on the part of the Postmaster General of his contract for carrying the mail; which was referred to the Committee on the Post Office and Post Roads.

Mr. SEWARD presented a memorial of the Life Saving Benevolent Association of New York, asking that an appropriation may be made to enable them to complete their apparatus for the rescuing of crews and passengers of wrecked and stranded vessels; which was referred to the Committee on Naval Affairs.

Mr. DICKINSON presented the memorial of Edward Lynch, asking that an improvement invented by him, called a condenser and evaporator, may be attached to the boilers of the United States steamer Jefferson; which was referred to the Committee on Naval Affairs.

Mr. CORWIN presented the memorial of the Mayor and Common Council of the city of Cincinnati, in Ohio, asking the erection of a Marine Hospital at that place; which was referred to the Committee on Commerce.

Mr. HALE presented a petition, signed by Edward J. Collins and eighty-two others, inhabitants of Meridan, New Haven county, Connecticut, asking that no State may be admitted into the Union whose constitution does not expressly prohibit slavery within its limits.

Also, a petition from John J. Norris and fifty-three other inhabitants of Boontown, Morris county, New Jersey; also, from A. J. Foss and twelve others, of Manchester, New Hampshire; also, from Israel Dill and thirty-one other inhabitants of Knox county, Ohio; also, from Joseph Keith and eighty-five other inhabitants of Auburn, in the State of Maine; also, from Daniel Chaffee and sixty-two others, inhabitants of Hampden county, Massachusetts; also, from William A. Disney and twenty-six other inhabitants of Knox county, Ohio; also, from Joel Hyer and thirty-five other inhabitants of Cheshire county, New Hampshire; also, from Sylvester Smith and fifty-eight other inhabitants of Susquehanna county, Pennsylvania; and Willard Jafta and one hundred other citizens of Middlesex county, Massachusetts, for the same prayer; all of which were ordered to lie on the table.

Mr. FELCH presented a memorial of citizens of Minnesota Territory, asking a grant of land for the purpose of constructing a magnetic telegraph in that Territory; which was referred to the Committee on Public Lands.

Mr. UPHAM presented two petitions of citizens of Vermont, asking that no State may be admitted into the Union whose constitution does not prohibit slavery within its limits; which were ordered to lie on the table.

Mr. DODGE, of Iowa, presented a petition of citizens of Iowa, asking that no State may be admitted into the Union whose constitution does not prohibit slavery within its limits.

Also, a petition from citizens of the same State, asking that slavery may be prohibited by law in all the territories of the United States.

Also, a petition from citizens of the same State, asking that slavery and the slave trade may be abolished in the District of Columbia, or the seat of Government removed therefrom.

Also, from citizens of the same State, asking that the right of trial by jury may be secured by law to fugitive slaves; all of which were ordered to lie on the table.

On motion by Mr. SEWARD,

Ordered, That the petition presented by him, asking that a Government vessel may be employed to carry delegates from the United States to the Peace Convention at Frankfort, Germany, be referred to the Committee on Naval Affairs.

REPORTS FROM COMMITTEES.

Mr. BORLAND, from the Committee on Public Lands, to which was referred the bill to reduce the maximum price of the yellow-pine lands on pine barrens, reported back the same with amendments, accompanied by a communication from the Commissioner of the General Land Office as a report; which was ordered to be printed.

Mr. DODGE, of Iowa, from the Committee of Claims, to which was referred the additional document in relation to the claims of James M. Marsh, asked to be discharged from the further consideration of the same, and that it be referred to the Committee on Indian Affairs; which was agreed to.

Mr. BORLAND, from the Committee on Printing, to which was referred the report of the Secretary of War in relation to the extent of the value of the commerce of the lakes, and a subsequent report from the Secretary of War in relation to the commerce on the Mississippi and its tributaries,

reported in favor of printing the documents; which was agreed to.

THE CUBAN EXPEDITION.

On motion by Mr. YULEE, the Senate took up for consideration the following resolution, submitted by him yesterday:

Resolved, That the President of the United States be requested to inform the Senate whether any and what information has been received by the Executive Department respecting an alleged military expedition against the Island of Cuba, and to communicate to the Senate copies of all correspondence and orders relative thereto.

Mr. WALKER. I wish to ask the consent of the Senator from Florida to submit an amendment:

"And that he be requested to inform the Senate by what authority he has sent an armed vessel or vessels for the suppression of such insurrection, if such be the fact."

Mr. YULEE. I have no objection to the amendment; I have no objection to enlarge the inquiry to any extent which any gentleman may desire. As I presented the resolution, I feel myself called upon to state, as briefly as I may, the reasons which induced me to move it. I think it proper to say, in the first place, that I propose to offer no opinion whatever; nor do I design this resolution to be regarded as committing the Senate to any opinion, with respect to the merits of the revolutionary movement which is supposed to be on foot, if any such there be. Nor do I know whether, in fact, any expedition which can be regarded in the eye of the law as a military expedition, has been undertaken. It may be so or not. Rumors tend that way, but the information is various. I have received this morning information which may be considered reliable, that what is alleged to be a military expedition is not such a one, in fact, as comes within the purview of any provision of the law of 1818. But, however this may be, I regard it as immaterial to the issue I have in view. I think it right further to state distinctly, that I regard it to be a high moral and political obligation of this Government to maintain with honest solicitude its neutrality in respect to the affairs of other nations, and I recognize the duty of the Executive to use all legitimate means to preserve the public peace, and to enforce the execution of our neutrality laws by all the legitimate means appointed by the laws of Congress.

But my object in moving this resolution is partly to call the attention of the Senate to what seems to me to be a very serious usurpation of power on the part of the Executive; to point the notice of this body and the country to a proceeding that seems to me to be designed to cover up a negligence of administration within our jurisdiction by a usurpation of power beyond it; to cover up a delinquency at home by a great wrong abroad; by a wrong which strikes at civil and individual right; which strikes at the constitutional prerogatives of Congress, and violates that policy adopted by this Government from an early date, of absolute non-intervention in the civil broils and commotions of other parts of the world. To understand the character of this movement on the part of the Executive, it will be necessary to refer to the announcement made yesterday simultaneously in two of the papers of this city, which are regarded as the organs of the Administration and the official exponents of its current transactions. We are informed that a squadron has been ordered—where? Not to any part of the United States to prevent the "carrying on," according to the meaning of the law, an alleged military expedition against a friendly foreign Power; but where? "To the Island of Cuba," a foreign dominion, beyond our jurisdiction; not to operate upon the high seas, but upon the coast of Cuba, and within the waters and jurisdiction of that island. To do what there? First to prevent the landing of any force, or the carrying out of any enterprise organized in the United States. This is bad enough; but with further instructions—and it is to this aspect of the case I desire especially to invite attention—with this further remarkable instruction, in the language of the editorial in the *Intelligencer*:

"In the event of a landing having been effected, to prevent the landing of any reinforcement or any arms or provisions under the American flag, intended for such expedition or enterprise."

Without intending to occupy much of the time of the Senate, I desire to present for its consideration one or two principles which seem to me applicable to the circumstances, if they exist as stated in the *Intelligencer*. In the first place, I consider these instructions to be violative of the

personal civil rights of emigration and of expatriation. I consider them also a violation of the express right guaranteed to every citizen of the United States by the Constitution of the country, not to be deprived of life, liberty, or property without due process of law. It will be understood that in this case no warrant has been issued, no information filed, and there has been no process of law within the contemplation of the Constitution; and yet a squadron has been ordered to the coast of Cuba to arrest persons and to seize property under the American flag, at the discretion of the commander of the squadron! If, within our own jurisdiction, a violation of the act of 1818 was being committed, no authority would dare to arrest the suspected offender without due process of law, as contemplated by the Constitution of the United States; but here we find the Executive of the country employing the fleet of the United States and sending it to foreign parts to arrest American citizens, and to hinder them in their liberty and violate the sanctity of their property, without any legal information and without any process.

But, passing from this inconsiderate violation of personal and civil right, there is a greater wrong to the dignity, policy, and Constitution of the country.

I come to the next, and, as it seems to me, a material ground. The instructions direct that if a landing had been effected, the fleet should be employed to prevent the arrival and landing of reinforcements and supplies of arms and provisions. I contend that this is an outrage on the freedom of commerce, and an outrage upon the Constitution and policy of the country. What is the established national law in regard to civil wars? It is, that whenever a civil war shall rage in a foreign country, each of the parties are to be regarded and treated as belligerent powers. I say now that the moment a landing was effected, as contemplated by these instructions, and the flag of revolution was raised on the island, there are two parties arrayed in hostile interest, and that a war is in being. Belligerent powers are there, and it belongs to the freedom of commerce, and is a neutral right—a right of every citizen in this country—to hire or sell vessels, and send them there with provisions and arms for either party able and willing to pay for them. Yet here we find a direction given that, after the anticipated landing is effected and the revolutionary flag may have been raised, and there are two belligerent powers acting on the island in contest for its government, our fleet is to be employed to prevent the landing of reinforcements, arms, and supplies under the American flag, if intended for one of the parties.

I contend that this is not only a violation of the rightful freedom of commerce, but is also in violation of the rules of neutrality, as recognized by all nations, and as enforced by this Government from the commencement of its history to the present time. The provisions, arms, and ammunition sent there, under the circumstances, will be regarded, I agree, as contraband of war, and liable to the risks which belong to such enterprises. But the commerce is not unlawful; it is a lawful commerce, and the vessels or cargoes subject to confiscation, if they fall into the power of the adversary party. I wish it, therefore, to be understood, and I so declare distinctly, that, according to my apprehension of the law, if the flag of revolution is once raised in the island of Cuba, from that moment it is the right of every American citizen to hire his vessel, or to sell it, to the revolutionary party, equally as to the other party, and to send under the American flag provisions and arms, and whatever else the revolutionary party may require and can pay for. And, further, that every person who chooses to emigrate to the island, and to take part with either side, has the full right to do so, provided he chooses to incur the hazards of the contest. And I will say, further, that every American ship engaged in a lawful commerce is entitled to be protected in its pursuit by the public force. I say, then, that the instructions, so far from being consistent with the rights of American citizenship and property, are in violation of those rights. I go further, and I say that the acts ordered to be done are acts of war. I say that the President has undertaken to involve the country in the danger of a hostile collision without the authority of Congress, and therefore in violation of the Constitution. In support of this position I have to refer back to the ground which I took just

now, that the moment a revolutionary flag has been raised in the island a civil war is begun, and that by the laws of nations the respective parties in the struggle are to be regarded by all other people as belligerent powers. I say, then, that the order given to our fleet to go upon the coast of Cuba where this war is raging, to take part in that war by preventing reinforcements and supplies for one party and not the other, is a participation in the war; and if the revolutionary party should be successful it will justify them in treating the United States as an enemy, and in treating those engaged in such acts of hostility towards them with all the severity due to those taken with arms *flagrante bello*.

I understand, Mr. President, that there occurred during the last summer—and I have only learned it this morning—much which did not meet the public eye with reference to what was supposed to be at the time a movement looking to the revolution of Cuba. I shall desire to modify this resolution so as to cover all that transpired then. I am told there is reason to believe that instructions were given, and that correspondence occurred at that time which ought to be known to the country, and which were of a most extraordinary character. I do not rest this apprehension upon my own responsibility; but in order to bring out the facts, whatever they may be, I shall ask to amend the resolution so as to cover not only what is now doing, but what took place with respect to Cuban affairs during the past summer.

Mr. President, it will be observed that I have carefully abstained from expressing any approbation of the alleged movement. Its justice, propriety, and policy depend upon matters of which I am not sufficiently informed to judge at present. I think it proper to say, that when I offered this resolution I knew nothing of the particulars or the details of this movement except what was generally known to the country; and yet I must say, as I believe a vast majority of the citizens of this republic will also say, that my sympathies are with the republican party—strongly and anxiously with them. I trust in God their movement may be a successful one, and that this success may be accomplished without bloodshed, and with as little of civil commotion as possible. Sir, I would be ready to commend any legitimate effort of the Executive to enforce an observance of the laws of the land. But it is certainly not one of the least unfortunate aspects in which the action of this Government presents itself, that it is stretching its powers beyond the limits of a just neutrality to crush a movement conceived in the spirit of freedom, and to bolster the authority of a grinding despotism.

I do not make it a ground of attack now against the Government, but I must say, with regret, that it has seemed to me the sympathies of the Government have of late appeared to lean rather to the side of despotism than to liberal progress. I do not think it proper to go further now. When the information which this resolution seeks has been obtained—and I hope it will receive a more prompt attention than a resolution I offered some time ago which remains yet unanswered—we shall be able to consider the subject with more light than we now possess. Still, I have felt authorized to say as much as I have from what appeared in the two papers I have referred to, and which seemed intended to propitiate the public mind in favor of what the Administration had undertaken.

Mr. WEBSTER. Mr. President, I regret that the honorable member from Wisconsin has thought it necessary to offer the amendment which he has proposed, because it seems rather offensive in its terms. It is not, perhaps, quite regular to demand by what authority an act has been done until the inquiry be first answered whether such an act has been done. I hope, therefore, that the honorable member will see the propriety of withdrawing the amendment. If he does not, however, I shall vote for the whole resolution.

Mr. President, I am somewhat surprised at some of the propositions stated by the honorable member from Florida. He says it looks to him as if this were a declaration of war without the authority of Congress. Against whom? or against what country?

Mr. YULEE. Not a declaration of war. I said that the instructions involved an act of war.

Mr. WEBSTER. An act of war, then. Against whom? Against what Government, what country, what colony, what provinces? It is important

that we should govern ourselves by some distinct understanding of the neutral duties of this Government, and of the duties of all the citizens of this Government, established by standing law. If we mean to be neutral, as between a Government and any party assailing it at home or abroad, we are to consider what our treaty stipulations are in the first place, and upon what relations we stand to the Government of that country. Now everybody knows the stipulations of peace, amity, and good will contained in all our treaties with Spain; and probably every member of the Senate knows that in the diplomatic history of this country, at different times within the last thirty years, so far as the Executive Government could pledge the country to a particular line of policy, over and over, and over again we assured the Government of Spain that if Spain should not voluntarily relinquish Cuba to any European power the United States would do towards her every office of kindness and good will to maintain her in possession of that island; that the United States would look with great jealousy and great alarm at any voluntary surrender of Cuba to a European power; and that if Spain would abstain from that, she might be assured of the good offices and good will of the United States, and the friendship of the United States to maintain her in possession of the island. I do not mean to say how far those communications to the Spanish Government bind Congress or the country; I only mean to say that they have been made at different times, as far back at least as General Jackson's administration; and they have been made for the purpose of impressing on Spain the great importance of our peace and her regard for us, and of preserving that island in her possession and under her authority. These significations of the purpose of the Executive Government have been uniform, and they have been published from time to time, and I never heard of a complaint of them in any part of the country.

But now let us come to the direct question. What is it that is complained of? It is said that the President of the United States has directed a portion of the naval armament of the country to the coast of Cuba for a certain specific purpose; and if the facts are as they are generally believed to be, for a purpose not only perfectly legal and perfectly constitutional to be executed on the part of the Executive of the Government, but a purpose made his especial duty by positive statute. If there is any case, it is a case of this kind. A military expedition has been fitted out, or begun to be fitted out, in the United States, to act against the island of Cuba, now belonging to the Spanish Government. And it is not material, if such be the fact, if it be fitted out, or begun to be fitted out or prepared, according to the language of the statute, in the United States, whether by the citizens of the United States or by others. The law prevents the thing being done in the United States. Now, I suppose that whatever action the President has taken on this subject, is founded upon information that this is a military expedition, prepared and set on foot in the United States, in whole or in part. Well, then, if that be so, the law makes it his express duty, wherever he can exert the military and naval power, within the limits and jurisdiction of the United States, to exert it to defeat such an expedition. And, in the next place, if a United States vessel is found on the coast of Cuba, intending to violate this law of the country by helping to carry on a military expedition against Cuba, that vessel is just as much within the jurisdiction of the United States—for that is the word of the statute—as if she lay in the Potomac river. I suppose that nobody doubts now that the jurisdiction of the United States is in and over, protecting for the benefit of the United States, and protecting for the benefit of other countries, all that are under the flag of the United States, whether that flag floats upon the sea, or even in the harbor of a foreign port. I believe that some time ago an honorable member from Ohio doubted that, and I believe that an honorable member from New York quoted the sentiment, and said that nobody believed it. However, I take it to be unquestionable law, settled upon the surest basis of the national code. If that be so, the President of the United States is bound in duty, wherever he finds the jurisdiction of the United States extending on the sea or on the land, if persons are engaged in violation of the law of

Congress, by use of the naval and military power of the United States to prevent it. Such is the language of the law: "by the military and naval armament of the United States." And why is he to use the naval armament of the United States, unless there is something that can be lawfully done with it upon the sea? I cannot persuade myself that the honorable member from Florida has read the act of 1818 with his usual diligence and acuteness. I say that that act not only gives power to the President, but imposes it upon him as a duty, an active and diligent duty, to preserve the peace of the country by suppressing every unauthorized expedition set on foot in the United States, against any portion of a country, province, or colony, with which we are at peace.

I will not go into this subject at any very great length. But pray, what does the honorable member from Florida mean? How does he mean to be understood when he says that if at home nothing could be done without process or warrant? That is not the language of the law, nor the language of the Constitution; nor is it consonant to our general ideas of the authority of the President under the Constitution. If an insurrection breaks out, may not the President suppress it by an armed force? If a squadron were coming up the Potomac river to burn the capital, may he not resist it with a naval force? If there were an insurrection of colored persons breaking out anywhere, threatening the overthrow of the laws and institutions of the country, must he stop for a warrant? Sir, it is made his duty to execute the laws; and where there is an open, a flagrant, a dangerous violation of law, it is his duty to come with the proper force of the country to the rescue of the violated law, and to reassert and reestablish it.

I do not know what are the precise facts in this case, but I have no apprehension at all that it will be found that anything has been done which should not have been done, or that anything is intended which should not be intended. I have not the least doubt that whatever has been done in the case has been done upon full consideration; and that the answer to this inquiry will show to the country that no step has been unadvisedly taken, and that no object has been cherished but the general, salutary, beneficial one of preserving the peace of the country.

But the honorable gentleman went somewhat further. He says that if a landing be made on the island of Cuba under the flag of the United States, it is a breaking out of civil war, in regard to which we must be neutral. Why, certainly we may be neutral if no act for carrying on that invasion and raising that flag of the United States in Cuba has been done, or attempted to be done, or set on foot, or prepared, according to the language of the statute, in the United States.

Mr. YULEE. The Senator seems to have understood me as saying the flag of the United States. I did not say so. I said that the moment that the revolutionary flag was raised there was a civil war, and there were two belligerent parties.

Mr. WEBSTER. It is the same thing. The honorable member says that when a revolution breaks out it is a civil war, and in a civil war we are bound to be neutral. Very well. But it is no neutrality at all to suffer preparations for war—military armaments—to be fitted out and sent from this country to carry on that war. That certainly is not neutrality; and that is exactly what the statute of 1818 intended to prevent. It was that no such civil commotions should be aided by military armaments fitted out in the United States; that being supposed to be against the general law of neutrality.

The honorable member, while speaking of the particular circumstances of this case, indulged in a general remark. He fears that there is a disposition (running through various acts of the present Administration) which inclines more to that side of these questions which is not the republican side. That is a matter of opinion into which I shall not enter. It is not very pertinent to the question now before the Senate. I can only say that, for one, I have seen no evidence of such intention or sympathy manifested by the President of the United States. I believe he means to execute the laws of the country honestly, fairly, and firmly, as I hope he will do, as I trust he will do, as I believe he will do. As to the rest, sir, I know nothing to lead

me to suppose that he is not as good a republican as any of us.

Mr. CLAY. Mr. President, I have not risen to enter into any discussion of this resolution, which strikes me as being altogether premature. It is a call for information, and, before that information is obtained, assuming what it is to be, the member who offers the resolution goes on with a denunciatory speech in regard to the character of the information he expects to receive. I shall not partake at this time in the discussion; I shall wait until I know what the statement of the facts may be, and not now apply any statement of law or of fact which I may suppose to be applicable. I have risen for no such purpose; but I have risen to express the hope that while we are engaged in the discussion of grave and important subjects with regard to California, we will not be diverted from our purpose by an expedition against Cuba. I hope this resolution will be laid upon the table. Indeed, I have risen for the purpose of moving that it be laid upon the table, and that we proceed to the consideration of the special order, so that the Senator from Louisiana, who has the floor, may be permitted to address the Senate; because the state of his health is such as to render it desirable that if he address the Senate on the engrossing question now before us, he should do so to-day.

Mr. YULEE. I hope the Senator from Kentucky will allow me for a moment—

Mr. CLAY. I shall not withdraw the motion.

Mr. YULEE. I do not ask the Senator from Kentucky to withdraw the motion; I merely desire that he would give it a different direction, so that it may be taken up to-morrow, or on some early day.

Mr. CLAY. To that I have no objection, though I should object if it is to lead to discussion. Mr. President, I shall move to lay the resolution on the table, and the Senator from Florida can move to take it up to-morrow, if he pleases.

Mr. YULEE. I have no objection that it be laid upon the table to-day; and I shall ask the Senate to take it up to-morrow.

The question was then taken on the motion of Mr. CLAY, and the resolution was ordered to lie on the table.

THE COMPROMISE BILL.

Mr. CLAY. I now move, Mr. President, that we proceed to the consideration of the special order of the day.

The VICE PRESIDENT stated the special order to be the bill for the admission of California as a State of the Union, to establish territorial governments for the Territories of Utah and New Mexico, and to make proposals to Texas for the settlement of her northern and northwestern boundaries.

Mr. HALE. There is a special order before that—the order fixed for half-past twelve o'clock to-day, in relation to the "bill to promote the progress of the useful arts." That special order takes precedence.

Mr. TURNER. I move that the further consideration of that bill be postponed until to-morrow at half-past twelve o'clock.

The motion was agreed to.

The Senate then resumed the consideration of the bill reported from the committee of thirteen.

Mr. SOULE addressed the Senate for upwards of an hour and a half, and was replied to by Mr. CLAY, whose speeches will be found in the Appendix.

Mr. UPHAM obtained the floor, to reply to a remark of Mr. SOULE's in relation to the tolerance of peonage by the constitution of Vermont, but yielded, at the request of Mr. WEBSTER, for a motion to adjourn.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 22, 1850.

The Journal of yesterday was read and approved.

REPORTS FROM COMMITTEES.

The SPEAKER announced the regular order of business to be the call of the committees for reports, commencing where the call was last suspended, (with the Committee on Commerce.)

BRANCH MINT AT NEW YORK.

Mr. PHENIX, from the Committee on Com-

merce, reported a bill to establish a branch mint in the city of New York.

The bill having been read twice by its title—

Mr. PHENIX moved that it be referred to the Committee of the Whole on the state of the Union, and be printed.

The question having been taken, and decided in the affirmative—

The bill was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. PHENIX asked the unanimous consent of the House to submit a motion that the bill be made the special order for the first Tuesday of July.

Objection was made.

Mr. PHENIX desired to be informed by the Speaker, whether it would be in order to move a suspension of the rules for the purpose of enabling him to submit the motion?

The SPEAKER. The rules cannot be suspended to-day.

Mr. McLANE, of Maryland, said he desired to give notice that a report upon the subject of this bill would hereafter be presented. It was not exactly ready at this time; but, as soon as it was prepared, it would be presented, with a view to its reference to the Committee of the Whole on the state of the Union, to whom the bill had been referred.

Mr. PHENIX. It has been suggested to me to move that the bill be now put upon its passage.

The SPEAKER. It will be requisite, in the first place, to move a reconsideration of the vote by which the bill was referred to the Committee of the Whole on the state of the Union.

Mr. PHENIX. I make that motion.

Mr. BOGOCCK. I move that the motion to reconsider be laid upon the table.

Mr. CABLE, of Ohio, called for tellers on that motion.

Tellers were ordered, and Messrs. Roor, of Ohio, and Bogocck, of Virginia, were appointed.

Mr. PHENIX. I withdraw the motion to reconsider.

So the motion to reconsider was withdrawn.

Mr. BOWLIN, from the Committee on Public Lands, reported back, with amendments, a bill to create the office of surveyor general of the public lands in Oregon, and to provide for the survey and to make donations to settlers of the said public lands; which bill and amendments were committed.

Also, from the same committee, reported the following resolution; which was agreed to:

Resolved, That the Committee on Public Lands be, and they are hereby, authorized to purchase a large map of the United States, including California and Oregon, for the use of said committee, to be paid for out of the contingent fund of the House: *Provided*, it does not cost a sum exceeding fourteen dollars.

Mr. ALBERTSON, from the same committee, reported a bill to supply the deficiency in a township of land heretofore granted by Congress to the State of Indiana by an act approved April 19, 1816, for the use of a State seminary of learning; which was read twice and committed.

Also, from the same committee, reported a bill supplemental to an act entitled "An act supplementary to an act approved on the 3d day of March, 1819, entitled 'An act providing for the correction of errors in making entries of land at the land offices,'" approved May 24, 1824; which was read twice and committed.

Mr. COBB, of Alabama, from the same committee, to which was referred the bill of the Senate entitled "An act to relinquish the reversionary interest of the United States to certain reservations therein mentioned, and to confirm the title of Charles G. Gunter thereto," reported the same back to the House without amendment; which was committed.

Mr. WILLIAMS, by unanimous consent, offered the following resolution; which was agreed to:

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the propriety and expediency of allowing increased compensation to the pension agents, when the amount annually paid out by the agent does not exceed ten thousand dollars, with leave to report by bill or otherwise.

Mr. GRINNELL, from the Committee on Commerce, reported a bill making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the

of Illinois, asking a grant of the right of way and a portion of public land to the Terre Haute and Alton Railroad Company, to aid in the construction of the said road; which was referred to the Committee on Public Lands.

Mr. SOULE presented resolutions of the Legislature of Louisiana, requesting the Senators and Representatives of that State in Congress to use their influence to procure a hydrographical and topographical survey of the delta of the Mississippi by the Topographical Bureau, and a grant to the State of Louisiana of all the public lands within her limits which have been offered for sale for ten years.

On motion by Mr. SOULE,

Ordered, That the said resolutions be referred to the Committee on Finance, with instructions to inquire into the expediency of providing such means as may enable the topographical corps of engineers to supply a sufficient force to enable them to effect, with the least possible delay, a thorough survey of the delta of the Mississippi, and to report the same to the Senate.

On motion by Mr. SEBASTIAN,

Ordered, That the memorial of David Vann and William P. Ross, delegates to the Cherokee nation, on the files of the Senate, be referred to the Committee on Indian Affairs.

REPORTS FROM COMMITTEES.

Mr. WALES, from the Committee on Patents, to which was referred the petition of the heirs of Jethro Wood, asked to be discharged from the further consideration of the same, and that the petitioners have leave to withdraw their papers; which was agreed to.

Mr. DODGE, of Iowa, from the Committee of Claims, to which was referred the memorial of Adam D. Stewart, a paymaster in the army, asking reimbursement of a sum of money paid by him for the recovery of certain stolen funds belonging to the United States, submitted a report, which was ordered to be printed, accompanied by a bill for the relief of Adam D. Stewart, a paymaster in the United States army; which was read and passed to a second reading.

Mr. FELCH, from the Committee on Public Lands, to which was referred the petition of Jacob W. Cummings, a clerk in the General Land Office, asking additional compensation for services performed by him, submitted an adverse report on the same; which was ordered to be printed.

Mr. UNDERWOOD, from the Committee of Claims, to which was referred House bill for the relief of William B. Crews, reported back the same without amendment, and recommended its passage.

BILLS FROM THE HOUSE.

The bill from the House authorizing the issuing of a register to the barque Cornwallis, was read a first time by its title, and, on motion by Mr. YULEE, was considered as in Committee of the Whole by unanimous consent; and, no amendment having been offered, was reported to the Senate, ordered to a third reading, and was read a third time and passed.

The bill from the House to continue in force an act therein mentioned, relating to the port of Baltimore, was read a first and second time by its title, and referred to the Committee on Commerce.

On motion by Mr. DAWSON, that the report of the Secretary of the Interior, of the 21st instant, in relation to the operations of the commission for running and marking the boundary line between the United States and Mexico be printed—

Ordered, That it be referred to the Committee on Printing.

THE CUBAN EXPEDITION.

Mr. YULEE. Mr. President, I desire to say that it was my intention to ask the Senate to take up the resolution which I submitted on Monday in relation to the Cuban expedition, and dispose of it this morning; but as the Senator from Tennessee [Mr. TURNER] is desirous to proceed with the consideration of the bill respecting the patent laws, I shall defer my motion until to-morrow.

PATENT LAWS.

The hour of half-past twelve having arrived, the Senate resumed to the consideration of the "bill to amend an act to promote the progress of the useful arts."

Mr. NORRIS. I move to amend the bill by striking out the word "or," in the fourth line of the second section, and inserting, after the word "reissue," the words "or extension."

The motion was agreed to.

The same amendment was made also in the tenth line of the same section.

Mr. NORRIS. I move to strike out from the second section all after the words "rejection of" to the word "it" in the third line, and to insert the words "any such application."

The motion was agreed to.

Mr. NORRIS. I now move to strike out the fourth section of the bill, and I will state my objections to that section. This fourth section applies to the extension and reissue of a patent. Provision is already made by law with regard to the extension of a patent, which requires that when an application is made for an extension, it shall be the duty of the Commissioner of Patents to issue a notice in one or more of the papers published in the city of Washington, and in such other papers as he may think proper in the vicinity from which he thinks opposition is likely to come. That is the law now. In regard to the reissue of a patent, it seems to me the fifth section is sufficient to guard that subject. It provides:

"That, in a reissue of a patent, the reissued patent shall include as claimed and patented only what shall appear from the petition of the original patent, or from the specification, drawings, model, or composition of matter deposited in the Patent Office, was known to the inventor, and appertained to the application, use, and practice of his invention, improvement, or discovery, at the time of taking out the original patent, or shall appear by similar evidence to have belonged thereto, at the time of making such addition thereto, on application at the Patent Office prior to the reissue; and in case the claims in the reissued patent are broader than the original ones, or such additions covering what was before omitted through inadvertence or mistake, such extension of claim shall not have any retrospective operation, or affect any pending action; and all machines, implements, apparatus, and articles made or begun before such reissue, or notice of such extension or claim, may be finished, used, and sold after such reissue, in the same manner, to all intents and purposes, as if such patent had not been reissued."

It seems to me that is well enough guarded as it is. Let us look at the effect of this fourth section. Here is a patentee who has a patent of great importance to him, but of little to the public, and for which he has not received a proper consideration during the time he has enjoyed the benefit of his invention. He applies for an extension, and there are various interests conflicting with that extension. What can he do by law? Under the effect of this fourth section, he can do nothing; but by incessant applications and objections, his opportunity of being heard may be prolonged to an indefinite period. One person may give a notice to-day that he wishes to be heard; and it is the duty of the Commissioner to issue a notice when he may be heard; and it is the imperative duty of the Commissioner to extend the time of hearing, so long as these applications are made. That also applies to a reissue as well as to an extension. Thus we see one may at one time object to the hearing, and another at another, and so on these objections may be made indefinitely. I think the section will be productive of great mischief, and of no good.

The section proposed to be stricken out is in these words:

Sec. 5. *And be it further enacted*, That where any person shall give notice in writing to the Commissioner of Patents of his desire to be heard in opposition to the reissuing or extension of any patent, particularly specifying the same, and naming his own place of residence in the United States, it shall be the duty of the Commissioner to cause such notice to be recorded, and before reissuing, or extending such patent, to appoint a time for so hearing him, and to give him a reasonable notice thereof, by mail or otherwise, and to give him an opportunity to be heard accordingly.

Mr. TURNER. I wish to say but a single word, for I do not regard this as a matter of very great importance. The only effect of the section is this: A man interested adversely to the extension or reissue of a patent, notifies the Commissioner of Patents that if an application be made for an extension or reissue he desires to be heard, and he is to inform the Commissioner of his residence. The only thing then that this section requires is, that the Commissioner shall notify the individual by letter or otherwise of the time when he will take up for consideration any application for an extension or reissue of the patent. The general law now is that he shall give this notice by an advertisement in the public newspapers; but the man may not be a reader of the newspapers. His interest is adverse to the patent, and he desires to be present when the application is considered; and surely no great mischief can result from writing a letter, informing him of what the public prints would inform him if he were to read them. I

think the effect will not be to prolong the consideration from time to time, as the Senator from New Hampshire has suggested. This application is made to the Commissioner, and when he fixes upon a time for its consideration, he notifies the individual by letter. After he has fixed upon the time he will not postpone it on any application. Thus the individual receiving the notification of the time, will not be placed upon any higher or better ground than if he had obtained his notice through the medium of the newspapers.

The question then is, whether this application shall be *ex parte*, or whether the individual interested adversely shall be allowed to be present, to show cause against the extension or reissue. It is narrowed down to that, and to the manner and form of the notice. The only question, then, for the Senate to consider, is, whether, if there shall be any notice, it shall be *ex parte* to the original patentee, and not to those opposed to its extension.

Mr. NORRIS. The Senator from Tennessee has not answered the objection which I raised. My objection is, that it is imperative upon the Commissioner to invite every person interested, by notifying him in writing of the day of hearing. Suppose I apply to-day to the Commissioner, wishing to be heard and to make my objections against the extension or reissue of a particular patent. A day is appointed to hear my application, and perhaps on that very day which is appointed to hear me, another individual has applied also for a hearing. This makes it imperative on the Commissioner to issue a second notice, to give that person information of the time and place of hearing. This, of course, causes my application to be deferred, and so it may be continued *ad infinitum*. That is my objection; and thus a party far more meritorious never could get a hearing against the combined efforts of a number of persons opposed to him.

Mr. HALE. I wish to suggest to my colleague, if it meets his views, as I think he is right in the ground he takes, to modify his motion so as to strike out also the sixth, seventh, eighth, and ninth sections of the bill. Though perhaps it would be still better, if he concurs with me in the objections to the sections which I have named, to vote against the whole bill than to undertake to amend it. A bill which needs so much amendment, at least, had better go back to the committee.

Mr. NORRIS. I am willing to modify my motion so as to strike out all that my colleague wishes.

The VICE PRESIDENT. The question will then be upon striking out the fourth, sixth, seventh, eighth, and ninth sections of the bill.

The additional sections proposed to be stricken out are as follows:

Sec. 6. *And be it further enacted*, That on the petition of any person to the Circuit Court of the United States, in any district in which a patentee or proprietor of the whole or any share or proportion of any patent resides, and such security is given as the court shall order for costs of court, and costs and indemnity to parties, proceedings on *scire facias*, according to the course of the common law, may be had in such court, to repeal and declare null and void such patent. The petitioner for such proceedings shall set forth in his petition thereon on oath, and the names and residences, as far as he knows or is informed, of all parties interested in such patent, either as patentees, assignees, or under any license or other contract, and give such notice to those residing without such district as shall be ordered by the court.

All persons interested in such patent shall be admitted to defend in the suit on the terms, if any, prescribed by the court, on their application for that purpose. In case it shall appear on trial that the patentee had no right to any patent for the invention, art, discovery, composition of matter, design, or improvement set forth in the specification, or intended to have been patented, judgment shall be given repealing the patent, and declaring the same to be, and the same shall be taken and held to be null and void; and a certified copy of which judgment shall be forwarded by the clerk of such court to the Patent Office, and there be recorded. And the petitioner shall in such case recover costs. In case it shall appear on the trial that the patent is invalid by reason of some defect or informality, and not appear that the patentee had as aforesaid no right to a patent, judgment of its invalidity for such defect or informality shall be entered, and the cost to be paid as the court may in its discretion order and direct. In case no cause of invalidity of the patent shall appear, the party defending the same shall recover his costs from the petitioner.

Sec. 7. *And be it further enacted*, That the parties shall have a right to appeal to the Supreme Court of the United States in any suit on a patent in which the validity or construction of the patent is in dispute, and also in any proceeding by *scire facias* for a repeal of a patent.

Sec. 8. *And be it further enacted*, That in all applications to Congress for extension of a patent, or addition to, or reissue of the same, the patentee shall give notice of such intended application, for three weeks in two daily papers printed and published in the city of Washington, the first

selves to one Senator, he can admit one of them by his permit; and he will have no difficulty in getting one or two adjoining Senators to admit the others. It seems to me that this amendment will tend very much to relieve us from the pressure which is around us, and it will tend very much to relieve us from the inconveniences and annoyances to which we are constantly subjected. I hope, therefore, that the amendment will be adopted.

Mr. MANGUM. I will modify my amendment by adding after the word "Senator" the words "and the Vice President."

Mr. FOOTE. Mr. President, I prefer the amendment to the original resolution. I think it will only be according to the President of this body an equal right with Senators, which he certainly ought to have. I concur perfectly in the views of the honorable Senator from New Jersey. He has made an excellent speech. I shall, therefore, not occupy the time of the Senate. I will merely say, however, that this amendment is particularly commended to me from the fact that it uses the term "persons" and not "gentlemen." Now, that will authorize, and I trust it was intended to authorize, a member of the Senate to introduce a lady. I think that perfectly proper, and I should not vote for this proposition unless it was understood that ladies were to be allowed to participate in the enjoyment resulting from our debates from time to time. With this understanding, I shall vote for the proposition.

A single word now in reply to my friend from Missouri, [Mr. ATCHISON.] He certainly understood the amendment as I understand it, as allowing Senators to introduce either a lady or gentleman, at their pleasure. And he seems to be very much pained at being compelled to discriminate among the ladies and gentlemen of his acquaintance. He is afraid of the responsibility of discriminating in favor of one and against another. Well, sir, this thing of discrimination has to take place, more or less. Every man must select his friends. A man has to choose his partner for life, and as my friend from Missouri has not yet done so, I hope that he soon will. This sort of discrimination must be made; this sort of responsibility belongs to the great business of life. Senators must take the responsibility of discriminating between the affirmative and the negative side of a question—sometimes a very serious and important responsibility. For my part, I must say that I am surprised that my friend from Missouri should be opposed to this amendment simply because it imposes upon him the necessity of discriminating between his friends of either sex. I hope, therefore, that he will not persist in his opposition.

Mr. HALE. I suggested to the Senator from North Carolina that I had no sort of objection to his amendment.

Mr. TURNEY. The hour has arrived for the consideration of the special order.

Mr. HALE. I am entitled to the floor.

The VICE PRESIDENT. The Senator from New Hampshire has the floor.

Mr. HALE. I said that I had no objection to the amendment, but I would suggest to the Senator from North Carolina, who proposes the amendment, that the objection of the Senator from Missouri can be obviated by saying that single gentlemen shall have the privilege of admitting two. That would relieve these gentlemen of the necessity of discrimination. I do not wish to take up the time of the Senate. I hope that we shall have a vote taken on this question as soon as we can.

Mr. ATCHISON. I have only a very few words to say. In the first place, the Senator from New Jersey admits that the rules are all-sufficient as they stand, if they are only enforced. Now, sir, the wisdom of Solomon might devise rules and laws and regulations, but, unless they were enforced, they would be of no avail. I take this to be a surrender of the whole ground. If the rules are all-sufficient as they stand, and they are not enforced, whose fault is it? Is it the fault of the Presiding Officer? Is it the fault of the Sergeant-at-arms, or is it the fault of the Senate itself?

A SENATOR. It is the fault of the Senate itself.

Mr. DAYTON. I suggested that our rules are altogether sufficient for the purpose of keeping our Chamber clear of the multitude that constantly presents itself, but that there was still a difficulty in getting distinguished persons admitted to the floor without some such rule as that now proposed. It is something which is usual, as I have before

said, in all the deliberative assemblies of the world.

Mr. ATCHISON. I recognize no difference, sir, among my constituents. If the poorest and humblest man in Missouri was to present himself to me, together with the highest and loftiest man in the State, I hold it to be as much my duty to extend a privilege within my power to the one as to the other. I recognize no such distinction as the Senator from New Jersey speaks of. It does not belong to the creed of the party to which I have the honor to attach myself.

But a word in response to what fell from the Senator from Mississippi. It is an easy matter for him, in the category in which he stands—for he tells us that he has a yoke-fellow for life—to make such discrimination. But an honest bachelor, like myself, may be placed in a very awkward dilemma by making selections among his fair friends.

Mr. KING. I wish to know what is the question?

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from North Carolina.

Mr. HALE. To save time, I will accept that amendment in place of my original resolution.

The question then being on the resolution as modified—

Mr. KING said: I should myself greatly prefer the original resolution. The original resolution proposes to refer the matter to a committee, in order to ascertain what can be done to afford greater facilities to Senators and spectators. The amendment proposed by the Senator from North Carolina allows each Senator to have a permit to admit one person each day, in order to get clear of the difficulties which surround us. I would prefer that a committee should examine into the subject, and see what is necessary to be done. I myself have seen, and see every day, many persons on the floor of the Senate who have no right there, and that leads to some complaint from others who are excluded. How they get in I do not know. If the Sergeant-at-arms, under the direction of the Presiding Officer, were strictly to perform his duty, we should return to the good old course of excluding all except those who are expressly admitted by the rules of the Senate, and then there would be no ground for complaint whatever. If the rules of the Senate are too restricted, let the committee inquire into the propriety of extending them, so as to admit a greater number. I trust the Senate will not act too hastily on this matter, and not until the thing is well understood and well examined. I move a reference of this matter to a committee, of which I hope I shall not be a member, as I occupy the same peculiar position as my friend from Missouri. [Laughter.] I move, therefore, to refer the whole matter to a select committee of five, to be appointed by the Chair, in order to take the whole subject into consideration, so that we may be prepared to act upon it.

Mr. WEBSTER. I think five too large a number. Let it be three.

Mr. KING. Very well; I am satisfied with three.

Mr. HALE. I accepted the amendment of the Senator from North Carolina, as a modification of my resolution, because I thought it was the wish of the Senator from Alabama that I should do so. I, therefore, ask the unanimous consent of the Senate to withdraw my assent to that modification. No objection being made, the modification was withdrawn.

Mr. MANGUM. I am perfectly indifferent respecting this whole matter. I therefore move to lay the whole subject on the table.

The motion was lost.

The question being stated on the motion of Mr. KING to refer the matter to a committee of three—

Mr. HALE said: The resolution itself is a reference.

Mr. KING. My motion is not to refer the resolution alone, but to refer the resolution and amendment.

Mr. DAVIS, of Mississippi. The Senator from Alabama proposes to refer this whole subject to a committee. I think I will venture to say that the report of any committee will show that the defect is radical and irremediable in the present Chamber. Owing to the great number of Senators, resulting from the growth of the country, there are very meagre accommodations here, growing out of the

original idea that our debates would never be popular. It is utterly impossible to attempt to admit all who desire to come on the floor, or all who, I would say, it would be proper to admit. The evil can only be remedied by an enlarged chamber, and by such accommodations as are necessary for the great number of persons who now seek, and perhaps ought to obtain, admission. I think that any committee will find such to be the case. I will only say to the Senator from New Hampshire that a report is about to be made from the Committee on Public Buildings; and if that report receive final and favorable action, I hope that, in the course of a year or two, or three years at the furthest, we shall have an enlarged chamber, and then, and not till then, can his wishes be consummated, without depriving the members of the House of Representatives of that right which they now possess under the rule.

The motion to refer the subject to a committee of three was then agreed to.

On motion, it was ordered that the committee be appointed by the Chair; and the Chair appointed Mr. MANGUM, Mr. FOOTE, and Mr. HALE.

PAY OF VOLUNTEERS.

On motion by Mr. DAVIS, of Mississippi, the Senate proceeded, as in Committee of the Whole, to the consideration of a joint resolution reported by the Committee on Military Affairs, being "a joint resolution for restoring the settlement of the accounts of those entitled to three months' extra pay to the accounting officers of the Treasury."

Mr. DAVIS, of Mississippi. This requires, perhaps, a very brief explanation. In 1848, on account of the great number of claims of this sort arising out of the Mexican war, it was found necessary to transfer these accounts from the accounting officers to the Pay Department, and to appoint paymasters to have special charge of these accounts. They are now so far closed that very few remain to be settled, except the accounts of men who died in the service. Those accounts cannot be settled by the Paymaster, but are now settled by the Paymaster and one of the Auditors of the Treasury. They can be more conveniently, accurately, and expeditiously settled by the Auditor alone, than by the present mode. The joint resolution, therefore, only proposes to retransfer the settlement of these accounts to the Auditor, and to restore the whole system of accounts to the condition in which they were before the special act of 1848 was passed.

The joint resolution was then reported to the Senate without amendment, and ordered to be engrossed for a third reading, and was read a third time and passed.

THE CUBAN EXPEDITION.

Mr. YULEE. I will state to the Senate that it is my desire to obtain a vote upon the resolution I submitted the other day on the subject of the Cuban Expedition. But, inasmuch as the Senator from Tennessee [Mr. TURNER] is very anxious to proceed with his bill, and is entitled to the occupation of the morning hour with it, and as it is desirable that the resolution should pass, with the assent of those gentlemen who take an interest in the matter on both sides, I propose that it be now taken up and passed without discussion, in the shape in which it was originally introduced, to which, I believe the Senator from Wisconsin, [Mr. WALKER,] who offered the amendment, assents. When an answer is made to the resolution by the President, as I hope it will be at an early day, discussion can be resumed if it is desired.

The motion to take up the resolution was agreed to, Mr. WALKER withdrew his amendment, and the resolution was adopted.

PATENT LAWS.

On motion by Mr. TURNEY, the Senate resumed the consideration of bill No. 200, being "An act to amend an act to promote the progress of the useful arts."

Mr. TURNEY. I would ask the Senator from Kentucky, the chairman of the select committee of thirteen, to agree to the postponement of the consideration of the compromise bill until two o'clock, by which time, I think, we can dispose of this bill. I will say that the Senator from Louisiana, who has the floor on that subject, and also the Senator from Virginia, who desires to follow him, would be accommodated by that arrangement.

Mr. CLAY. For both the considerations men-

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ation of the special message of the President of the United States, relating to the admission of California as a State into the Union.

Mr. BOCK was entitled to the floor, and addressed the committee during the allotted hour, (in remarks which will be published in the Appendix.)

He avowed himself to be opposed to the admission of California as a State, without some equivalent given. He did not regard the compromise bill as being such an equivalent. He had serious objections to every item of it. When the voice of his constituents should call upon him to vote for that bill, he should pay respect to it; and then would be the time to decide whether he should obey that voice, or seek in private life the peace of conscience which he could not enjoy if he were to violate his own convictions of duty and of right.

Mr. B. having concluded, the Chairman gave the floor to Mr. CROWELL, of Ohio.

COMMITTEE ON ENROLLED BILLS.

The CHAIRMAN (before Mr. C. proceeded with his remarks) said that, in consequence of the absence of one of the members of the Committee on Enrolled Bills, the business of that committee was suspended. And the Chairman suggested that the committee should rise, in order that the House might take action upon the subject.

The Committee of the Whole on the state of the Union then rose informally, by general acquiescence, and—

On motion of Mr. STANLY, it was ordered that the Speaker appoint another member on the said committee.

CALIFORNIA.

The CHAIRMAN then resumed the Chair in Committee of the Whole on the state of the Union.

Mr. CROWELL proceeded with his remarks. The first portion of them consisted of an argument in favor of the admission of California as a State into the Union, unembarrassed by any other subject of legislation—with her present boundaries and her free constitution. He then passed on to a notice of some of the propositions which had been asserted and maintained on the subject of slavery, expressing his dissent from them and his abhorrence of their tendency; and entered his earnest protest against the audacious novelties thus advocated. [The speech will be published in the Appendix.]

BRANCH MINT AT NEW YORK.

Whilst Mr. CROWELL was addressing the committee—

The SPEAKER resumed the chair informally, for the purpose of receiving a message from the Senate by A. DICKINSON, Esq., Secretary, informing the House that the Senate had passed an act to establish a branch of the mint of the United States in the city of New York, and a branch mint and an assayer's office at San Francisco, in California.

The CHAIRMAN then resumed the chair in Committee of the Whole on the state of the Union.

Mr. CROWELL having concluded his remarks—

The CHAIRMAN gave the floor to

Mr. COLCOCK, who addressed the committee, in remarks of which a report will be given hereafter. After expressing the little hope which he entertained that the great controversy now agitating the country could be settled, and adverting to the increasing difficulties by which the country was surrounded, he proceeded to argue that, from the commencement down to the present time, every step which had been taken in relation to California had been a series of usurpations not sanctioned by law, unwarranted by the Constitution, and unsustained by precedent. He traced, *seriatim*, the measures which had been adopted to place California in the position in which she now stood, commenting especially upon the obscurity which seemed to rest on the origin of those measures, and declaring that there was no evidence that the late Administration had done anything to induce the people of California to take the initiative toward the formation of a State constitution and government. The greater portion of the allotted hour was directed to this branch of the subject. Passing over other topics to which he had not time to allude, Mr. C. then briefly noticed the compromise bill, expressing his objections to it, and his conviction of its inadequacy to accomplish the great end in view. Everything which it proposed to give to the South,

he argued, it gave only in promise; everything which it proposed to give to the North, it gave in fact and in performance. The proposed abolition of the slave trade in the District of Columbia, he characterized as one of the most signal triumphs ever achieved by the Abolitionists. This was no time for the South to make concessions. A compromise, to be effectual, must be something designed not merely to patch up a present peace, to secure a temporary truce, but something which will give final and complete repose to the whole body politic. Nothing less than a universal, a just, and an equal arrangement of all the questions in controversy would effect that object.

Mr. C. having concluded—

Mr. SILVESTER obtained the floor, but yielded for a motion that the committee rise.

The committee (a few members only being in their seats) refused to rise.

Mr. SILVESTER then proceeded to address the committee. At the outset of his remarks he adverted to the threatened dissolution of the Union, of which so much had been heard in both Houses of Congress, arguing that the threat met no responsive echo in the hearts of the great masses of the people, whose hopes, whose interests, and whose destiny, were firmly and indissolubly wedded to the Union. He then proceeded to exhibit certain tables, showing the great advance which had been made by the free States in comparison with others which were encumbered with slave property. He denied the existence of any desire on the part of the North to commit aggressions upon the rights, or offer an insult to the feelings of the South. No desire existed to interfere with slavery in those States where it was now recognized. The whole object was, that territory which was heretofore free, should remain so—that slavery should not go where freedom now is and supplant it. He declared himself to be in favor of the admission of California as a State, and argued that every fair and reasonable presumption was hostile to the idea that any undue interference had taken place in relation to her.

In the course of his remarks, Mr. S. gave way to Mr. COBB, of Alabama, who said that, having striven for the last two months to get the floor, and having been unsuccessful, by the permission of his honorable friend from New York, he had concluded to give notice to the empty benches around him, and the few members who were present, that he wished them to consider his speech as delivered, and he would furnish it to them in print, hereafter. He would very much like to make an hour's speech, but there were so many members desirous of speaking, he would abandon his efforts to obtain the floor, and not detain the committee.

Mr. SILVESTER having concluded,

The CHAIRMAN gave the floor to Mr. THOMPSON, of Mississippi, who (not desiring, he said, to speak to-night) yielded to a motion that the committee rise.

After a little fun, growing out of the empty state of the benches to which the motion was put—

The CHAIRMAN *pro tem*, (Mr. CARTER) declared that a majority were in favor of rising,

So the committee rose and reported.

And the House adjourned.

PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. FITZMAN: The petition of John Raush and 43 other citizens of Schuylkill county, Pennsylvania, asking Congress to change the "manner of levying duties" on foreign iron, so as to afford protection to the American manufacturers.

Also, the petition of William Zimmerman and 45 other citizens of Schuylkill county, Pennsylvania, asking Congress to change the "manner of levying duties" on foreign iron, so as to afford protection to the American manufacturers.

Also, the petition of Thomas H. Fishburn and other citizens of Dauphin county, Pennsylvania, asking Congress to fix the value of the so-called "levies" and "tips" at ten and five cents respectively.

Also, the petition of Charles Wilkins and 67 other citizens of Pennsylvania, in favor of cheap postage.

Also, the petition of J. Brause and 79 other citizens of Lebanon county, Pennsylvania, in favor of cheap postage.

By Mr. PARKER: The petition of 92 citizens of Virginia, asking that the military system now in force at the national armories may be abolished, and that said armories may be placed under the charge of civil superintendents.

Also, the petition of 23 other citizens of Virginia to the same effect; By Mr. KAUFMAN: The petition of Thomas Grisham, of Cherokee county, in the State of Texas, praying for a pen-

sion on account of injuries received in the last war with Great Britain.

By Mr. GOODENOW: The petition of William H. Pillsbury and 40 other legal voters of Wisconsin and vicinity, in the State of Maine, asking that arbitration, or a Congress of nations, be made a substitute for war.

By Mr. ANDERS N: Resolutions of the Legislature of the State of Tennessee:

1st. Against disunion, and in favor of the Constitution of the United States, and the perpetuity of the union of the States.

2d. In favor of the appropriation of public land for the construction of a railroad from some central point on the Mississippi river to the Pacific ocean, and repealing the resolutions heretofore adopted in favor of Asa Whitney's plan for such a railroad.

3d. In favor of the establishment of an agricultural bureau in the Department of the Interior.

4th. In favor of the location and erection of a United States Marine Hospital at Memphis, in the State of Tennessee.

Also, the memorial of Dr. Frank A. Ramsey and 28 others, citizens and physicians of Knoxville, Tennessee, in behalf of the medical officers of the Navy of the United States.

Also, the memorial of Drs. B. B. Lenoir and W. S. Bell, of Tennessee, on the same subject.

By Mr. DOTY: The petition of Edgar A. Hazen, John Franklin and others, for a post-route from Kingston to Montello, in Marquette county.

Also, the petition of Lewis Warburn, of Waukegan county, for a pension.

Also, the petition of certain Onondaga Indians, for grants of and for military services rendered the United States during the war of 1812.

IN SENATE.

MONDAY, June 3, 1850.

A message was received from the President of the United States, transmitting to the Senate a copy of a dispatch from the Minister of the United States at London, accompanied by a memorial and other documents addressed to Congress by Count de Bronno Bronski, relative to an improved breed of silk-worms, which the memorialist desires to have introduced into this country; which was ordered to lie on the table and be printed.

A message was received from the President of the United States, in compliance with a resolution of the Senate, transmitting reports from the several heads of the departments, containing all the information in possession of the Executive relative to the subject, and stating that no information has been received establishing the existence of any revolutionary movement in the island of Cuba, or among the inhabitants of that island. The correspondence discloses the fact that repeated attempts have been made, under the direction of foreigners enjoying the hospitality of this country, to get up armed expeditions in the United States for the purpose of invading Cuba, and showing that the Government has been faithful in the discharge of its treaty obligations with Spain, and in the execution of the acts of Congress; which was read and ordered to lie on the table.

MEMORIALS AND PETITIONS.

Mr. WEBSTER presented the memorial of Alfred G. Benson, asking that he may be authorized by law to enter into contract with the United States for transporting the mails and mail agents of the Government between San Francisco, in California, and China; which was referred to the Committee on the Post Office and Post Roads.

Mr. STIELDS presented representations of the grand jury of the District of Columbia, setting forth the necessity of providing for an additional term and suitable accommodations for holding the sessions of the criminal court of the District; which was referred to the Committee on the Judiciary.

Mr. BRADBURY submitted additional documents relating to the petition of the widow of James Wright; which were referred to the Committee on Pensions.

Mr. CLEMENS presented a petition from citizens of Dale county, Alabama, asking the establishment of a mail route from Newton, in that State, to Camelton, in Florida; which was referred to the Committee on the Post Office and Post Roads.

Mr. DICKINSON presented a memorial from citizens of Plattsburg, in the State of New York, asking such an alteration of the tariff as would promote the dignity of labor; which was referred to the Committee on Finance.

Mr. ATCHISON presented a memorial of the Mayor and City Council of St. Louis, asking the enactment of a law regulating the transportation of emigrant passengers on board of steamboats navigating the Mississippi river; which was referred to the Committee on Commerce.

Missouri have been picked from 1764, at different times, until 1804, and from 1804 down to the present time. For a period of nearly a century these lands have been undergoing the process of picking; so that those lands which now remain are of a very inferior quality. It is desirable to the United States that these lands should, in some way or other, be made useful and subservient to the purposes of settlement and improvement. The policy of granting lands to the States in which they lie, for purposes of internal improvement, has been found to be one of the most effectual means of reclaiming refuse lands. I am of opinion, with the celebrated Edmund Burke, that "to take land from hands that do not use it, and give it to hands that do use it, would be for the benefit of the country."

Many years ago, Mr. President, I brought in bills similar in purpose, in many respects, to the one which I now propose to introduce. One feature of those bills was to graduate the price of the public lands, reducing the price periodically according to the length of time the land had been in the market. Another feature was to make donations of land to actual settlers. A third provision was to grant the refuse lands to the States in which they lie, for objects of internal improvement.

The principle of the bill I now propose to introduce is the granting of the refuse lands to the States in which they lie, for purposes of internal improvement. I am clearly under the conviction that it ought to be done in this case.

Another argument in favor of the bill which I introduce is, that it only proposes to grant to the State of Missouri, an amount of land which, added to what has already been granted to that State for objects of internal improvement, will make it equal to the whole amount of land granted to any other State. The returns of the Land Office show that it will require two million six hundred and seventy-two thousand two hundred and ten acres to accomplish this purpose, and for that amount is this bill drawn. The bill names two objects of internal improvement, to which, under the auspices of the State, this land is to be applied. One is a railroad from St. Louis to the western frontier of the State, through the capital; the other is a railroad between the town of St. Joseph and the town of Hannibal, on the Mississippi river. The bill specifies these two objects for which the grant is to be made, but other effects, such as the draining of swamps, will follow.

I make this statement because, not being a member of the committee to which the bill will go, I wish the members of the committee to understand the nature of the bill, in order that they may make, as I expect they will, a favorable report upon it.

Leave to introduce the bill was granted, and the bill was read a first and second time by unanimous consent, and referred to the Committee on Public Lands, as follows:

A BILL to grant to the State of Missouri a certain quantity of public land for objects of internal improvement, which, added to the quantity heretofore granted to that State for that purpose, shall make it equal to the quantity heretofore granted to any other State for the same purpose.

Whereas it appears by a report of the Commissioner of the General Land Office, Senate document of the present session, that there has been granted to the State of Missouri five hundred thousand acres of land for purposes of internal improvement, and to other States a far larger quantity, and that it would require the quantity of two million six hundred and seventy-two thousand two hundred and ten acres, areas of the respective States considered, to make the grant to Missouri equal to that of any other State; therefore—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the quantity of two million six hundred and seventy-two thousand two hundred and ten acres of land be granted, and is hereby granted, to the State of Missouri, for purposes of internal improvement.

Sec. 2. And be it further enacted, That the one-fourth part of said land shall be applied to the construction of the railroad from St. Louis to the western frontier of Missouri, by Jefferson City, to be applied thereto by the company chartered for that purpose by the General Assembly of Missouri by the name of the Pacific Railroad Company; and the right and title to said fourth part shall vest in said company, and be applied by the President and Directors thereof, for the time being, to the construction of said road, and to no other purpose whatever. And one other fourth part shall be applied to the construction of the railroad from Hannibal to St. Joseph, in the State of Missouri, to be applied thereto by the company chartered for that purpose by the General Assembly of Missouri, by the name of the Hannibal and St. Joseph Railroad Company; and the right and title to said fourth part shall vest in said company, and be applied by the President and Directors thereof, for the time being, to the construction of said road, and to no other purpose whatever. And the remaining one-half of the said grant of acres, shall be applied to such objects of internal improvement, including the draining of the great swamp in Cape

Girardeau and the other adjacent counties, as the General Assembly of Missouri shall order and direct.

Sec. 3. And be it further enacted, That the lands so granted shall be selected within twenty-one miles of the road, or object of improvement, to which their proceeds are applicable, and shall be taken in parcels conformable to sectional, or subdivisional sectional lines; but no two parcels shall be taken adjoining each other, or any one to which the right of preemption has attached; and if the quantity granted to each object, of a quality fit for cultivation, cannot be found within twenty-one miles of the road to which it is applicable, then the remainder may be taken, in like manner, out of the next nearest public lands fit for cultivation.

Sec. 4. And be it further enacted, That the selection of the said granted lands shall be made by an agent, or agents, appointed for that purpose by the Governor of Missouri, and a return of the same made to the General Land Office at Washington City, subject to be disapproved and disallowed, if made contrary to the provisions of this act.

Sec. 5. And be it further enacted, That a right of way to the extent of one hundred and fifty feet from the centre of said railroads through the public lands, shall be granted to said companies; and a copy of the location and survey of the said railroads shall be filed in the land office of the districts through which the said roads pass, and also a copy in the General Land Office at Washington City.

Sec. 6. And be it further enacted, That if the said railroads, or any one of the objects of internal improvement, to which said grant of land is applicable, shall not be completed within ten years from the time that the lands for such object is selected and return thereof made to the General Land Office, then the companies aforesaid, each for itself, and the State, where the State itself conducts the improvement, shall be bound to pay to the United States the amount which may have been received upon the sales made for the said unfinished road, the sale to the purchaser remaining valid; and the title to the unsold part of the lands applicable to such unfinished road, shall revert in the United States, to have and to hold the same in the same manner as if this act had never passed.

Sec. 7. And be it further enacted, That the said railroads when completed, shall be and remain a public highway for the use of the Government of the United States, free from toll or other charge, upon any property or troops of the United States; and the public mails shall at all times be transported thereon, under the direction of the General Post Office Department, at such reasonable and just prices as Congress may, by law, direct.

RESOLUTIONS ADOPTED.

Mr. CLARKE submitted the following resolution; which was considered and agreed to:

Resolved, That the President of the United States be requested to communicate to the Senate the amount received from the Republic of Peru on account of the indemnity provided to be paid in annual instalments by that Republic, by the convention concluded in March, 1811; whether any of those instalments are due and unpaid, and such further information as may be in possession of the Department of State, relating to the said indemnity, in conformity with the terms of said convention.

Mr. WALKER submitted the following resolution; which was read and adopted:

Resolved, That the Secretary of the Interior be directed to report the whole annual expense of the Judiciary for the last ten years, including the salaries of judges, and all expenses of the administration of justice in the District of Columbia, for the time aforesaid.

MILITARY RESERVATION IN MINNESOTA.

Mr. DOUGLAS moved to take up Senate bill No. 138, entitled "An act to reduce the boundaries of the military reservation in the Territory of Minnesota," which had heretofore passed to a third reading.

Mr. FELCH. I interposed an objection the other day, when that bill was on its passage, because I wished to obtain some further information in relation to it. Since that time, I have made application at the War Department, in reply to which I have received some papers. Subsequently, on Saturday last, I received some additional papers, which I have not yet had time to read. I desire to examine them, and I propose, also, to submit them to the Senator from Illinois, that he, too, may examine them. Under these circumstances, I hope he will not now press his motion.

The motion was withdrawn.

CREDENTIALS OF A SENATOR.

Mr. FOOTE presented the credentials of the Hon. JEFFERSON DAVIS, Senator elect from the State of Mississippi, for a further term of six years, from the expiration of his present term of service; which were read and laid on the table.

HOT SPRINGS IN ARKANSAS.

The following resolution, submitted by Mr. BORLAND on the 29th ultimo, was taken up and adopted:

Resolved, That the Secretary of the Interior be directed to communicate to the Senate the information possessed by or properly within the scope of the department in relation to the applications of private claimants to the Hot Springs in Arkansas, or any portion of the four sections of land surrounding these springs, reserved from sale since the 2d of April, 1839, together with the action of the General Land Office and of any other of the Executive Departments in relation to such applications.

ROUND ISLAND EXPEDITION.

The following resolution, submitted by Mr. DA-

vis, of Mississippi, on the 22d of January last, was taken up and adopted:

Resolved, That the President of the United States be requested, as far as compatible with public interest, to communicate to the Senate copies of the instructions given and orders issued in relation to the assembling of persons on Round Island, east of Mississippi, during the summer of 1849, and the correspondence between the President or heads of Departments and the Governor of Mississippi and the officers, naval or military, of the United States in reference to the observation, investment, and dispersion of said assemblage upon said island.

BILLS FROM THE HOUSE.

House bills of the following titles were read a first and second time, and referred to the Committee on Territories:

An act for the construction of certain roads in the Territory of Minnesota, and for other purposes.

An act to make further appropriations for public buildings in Minnesota and Oregon.

JUDICIAL PROCEEDINGS IN THE DISTRICT OF COLUMBIA.

On motion by Mr. DOWNS, the Senate took up for consideration the bill to regulate appeals from the trial of issues in the District of Columbia.

THE VICE PRESIDENT. The Chair is informed that the bill is reported from the committee with an amendment. The first question was on amendment.

Mr. BUTLER. I undertook to explain that amendment on a former occasion. The bill proposed, as it originally stood, to give the right of appeal in all cases that have occurred within the last five years. The amendment recommended by the committee is to strike out that retrospective feature of the bill, and make it provide for giving a right of appeal in all cases that shall arise hereafter, in contradistinction to all cases that have arisen.

Mr. WALKER. It will be perceived that the effect of a concurrence in this amendment will be to deprive persons whose causes have been decided of the privilege of an appeal to the Supreme Court. It is for the Senate to decide whether they will give to parties who have been, as they think, suffering an injury within the last five years, the right of appeal. This is a plain question, and, it seems to me, it will require but little discussion. I think certain gentlemen have considered it long enough to have formed their opinion as to what is proper to be done. For one, I am opposed to the amendment, and I shall vote against it. I am in favor of giving this right of appeal to persons who think they have been injured, and I can see no harm that will result from it; and it occurs to me that none but those who fear to have the causes reviewed can be opposed to the bill as it stands. If the decisions have been right they will be affirmed, and if wrong, they will be reversed.

While I am up I will advert for a moment to the argument made the other day by the Senator from South Carolina. He contended that, to give this bill a retroactive effect, will be to disturb vested rights. One case was alluded to where an appeal was made from the Orphans' Court to the Circuit Court, the issue being, whether there was a marriage or not. The objection raised against that case does not obtain in this bill. In that case, the widow, or the one who claimed to be the widow, applied for letters of administration, to which she was entitled under the law, if she was a widow, in preference to anybody else. This case was sent from the Orphans' Court to the Circuit Court, and it was there decided that there was not a marriage, and, consequently, administration was not granted to her, but to another person.

Now, if the Senator from South Carolina will reflect upon the subject, he will find that if the decision of the Circuit Court shall be reversed, it will not undo any act of the administrator to whom letters of administration were granted. His acts will remain good. And if it is found that there was an error in the decision of the Circuit Court, and a verdict shall be given that there was a marriage, the administration of the person who has had powers of administration will stand. Letters *de bonis non* will be issued. The law, in reversing the decision, never goes behind the acts of the former administrator, and so far as he has acted, his acts will be good. This is a fact which every one whose attention is called to it will admit, that the decision does not for a moment set aside

furnished at a rate not exceeding the price at which it shall be furnished to subscribers. The publisher of the book says that there are no subscribers, and there is nothing, therefore, to guide the Secretary in estimating the price of the book. The publisher has fixed his price, and charges two dollars per copy for it. The Committee on Contingent Expenses has been consulted by the Secretary of the Senate, and though I do not offer the resolution which I present as from the Committee on Contingent Expenses, I believe I have their concurrence, for I have no doubt the price is extravagantly high. I have a letter from the publisher, Mr. Brown, which concludes in this manner:

"I have only a word to say, in conclusion—that whatever the result may be, and whatever the loss may be to myself, I have fixed my terms, and shall not, under any consideration, depart from them."

As a member of the committee—and, as I believe, other members of the committee agree—I think it is an exorbitant and extravagant price, and that the Senate will not be justified in paying that price for such a book, which is not adapted for general circulation. With that view I offer the following resolution:

Resolved, That the resolution of the Senate, adopted the 15th day of April last, authorizing the purchase from John Ross Brown of two thousand copies of the Debates in the California Convention be, and the same is hereby, rescinded."

Mr. BENTON. Did I understand the Senator to say, that two dollars was the price charged for that work?

Mr. WALKER. Yes, sir; that is the price.

Mr. BENTON. Why here is a work, which I hold in my hand, [holding up Hickey's United States Constitution,] the price of which is one dollar. A great part of this work is what is called "rule and figure work," the price of which, it is well known, is much higher than common plain printing.

Mr. FOOTE. I wish to make a personal explanation with respect to the resolution offered by myself authorizing the Secretary of the Senate to contract for the debates of the California Convention. As to the form of the resolution, it was drawn up in a very cautious and circumspect manner by one of our officials, whom I consulted, and who drew it in the customary form. For the extraordinary price demanded I am not at all responsible. I say this to acquit myself from all responsibility with regard to it. I took it for granted that the book was to be sold, and that the price for which it was sold to ordinary purchasers would be a reasonable one. But if the gentleman chooses to demand more than is a reasonable price, I am not responsible. I think the price is very much more than it is worth, though it contains much which is valuable for the purpose of understanding the important question under discussion here.

Mr. WALKER asked the unanimous consent that the resolution might be considered at this time.

Objection was made, and consequently the resolution lies over under the rule.

MILITARY RECONNOISSANCE.

Mr. CASS submitted the following resolution, which lies over under the rule:

Resolved, That the Secretary of the Department of War furnish the Senate as soon as practicable with a copy of a journal of military reconnoissance from Santa Fé to the Navajo country, made in 1849, by lieutenant J. H. Simpson, of the corps of Topographical Engineers, together with copies of the map and sketches belonging to said reconnoissance.

THE CUBAN EXPEDITION.

Mr. YULEE. I desire to move that the Senate take up for consideration the message of the President of the United States in relation to the Cuban affair. I desire to have it taken up with a view to propose its reference to a committee. I do not desire to discuss the subject at this time, and if any other gentleman wishes to discuss it now, I shall agree to postpone the consideration of the motion to any convenient time.

Mr. BRADBURY. I hope the Senator from Florida will not press the motion which he has submitted. It will be recollected that the Senator from Iowa has the floor upon the consideration of the resolution which was before us yesterday, and which I trust it is the purpose of the Senate to consider to-day, in order that final action may be had upon it. If this message is taken up, the con-

sideration of it may lead to debate. If the motion of the Senator from Florida shall be withdrawn, and the resolution relating to removals from office be taken up, after the remarks of the Senator from Iowa shall be made, I hope a vote may be had upon it.

Mr. YULEE. I do not feel at liberty to withdraw the motion, because upon the receipt of the message it was laid on the table at my motion. Ordinarily it is customary to order the printing of such communications at once; but, as I stated at the time, I did not move it, well knowing that if once committed to the printer we should probably see no more of it till the next session. I have therefore thought it my duty to make this motion now, in order that the Senate may have an early opportunity to decide the disposition it will prefer to make of the message. I will say that I have examined the papers accompanying the message, and, however much other gentlemen may differ in the conclusion after a perusal of them, I cannot help feeling strongly convinced that the proceedings of the Executive have been in several respects remarkably violative of the Constitution of the country. It has appeared to me that the matter ought not to pass over without notice, and it seemed to me desirable that it should undergo the examination of a committee before it is taken up here. It is with that purpose that I have asked to take it up now.

Mr. FOOTE. I wish to inquire if it is to be taken up simply for reference?

Mr. YULEE. It is. If any debate arise upon it, I will of course consent to have it passed over.

Mr. WEBSTER. Mr. President, I would ask the honorable member from Florida how he supposes that this can pass without debate, after such remarks as he has made. He expressed a very strong opinion criminative of the course of the Administration. That is debate. Every member who entertains the same opinion may express it, and all who entertain opposite opinions may express them. That is debate. I care not how soon this subject shall come up to be discussed. I rather wish myself, though I am not anxious to enter into debates ordinarily, to set forth what I hold the country bound to do, under its obligations and stipulations with Spain, and other governments of Europe, made during the last twenty years.

The declaration of opinion made by the honorable member from Florida against the course which the President has taken, and then the declaration of opinion made by him that this resolution might pass without debate, reminds me of what occurred in my professional practice many years ago. A man, not much experienced in the affairs of this world, had a very important case. The most eminent counsel in the State were engaged. When the first counsel made his very able argument, the good man said, "It is not necessary to say another word; now let the jury go out and decide it." (Laughter.)

Mr. FOOTE. Mr. President, I have simply a word to say. At the time I had the honor of hearing the very perspicuous speech of the honorable Senator from Massachusetts, declarative of his views on the question involved, I had thought that it would be necessary for some one differing with him on that question to present the opposite views. I would state as an additional reason to show that a debate, and probably an extended debate, would be likely to spring up on the message of the President, that the speech of the honorable Senator from Massachusetts has yet gone unanswered. I hope, therefore, that the honorable Senator from Florida will see the impropriety of pressing his resolution, when a debate is certain to spring up on it, and particularly when there are other important questions to be disposed of.

Mr. YULEE. Mr. President, the question which presented itself to my mind was as to the proper time for discussion on this subject. I have no doubt that the subject deserves discussion, and that it will receive discussion. But if we pass this subject over until the whole mass of papers submitted can be printed, there can be no examination and no discussion at this session. I suppose that, by referring the papers to a committee, they would be able to examine and digest them, and report upon them in such manner as to place every Senator in possession of the facts in the case. Such report might be made within a week, and all the facts might be made known. The report might be printed very soon, and discussion might pro-

ceed at once. My object, therefore, was to move the reference without discussion, in order that discussion might take place on a knowledge of the facts, as they might be ascertained by a committee of this body.

Mr. FOOTE. Mr. President, I simply rise for the purpose of stating that the declaration and doctrine of the honorable Senator from Florida, on the present occasion, is not exactly consistent with his doctrine and action on a recent occasion on this subject. When the Senator from Florida first introduced this subject, he did not content himself with simply offering a resolution calling for information, but discussed the whole subject at large, and gave occasion to the honorable Senator from Massachusetts to deliver that speech of his alluded to just now. The general views contained in that speech are necessary to be answered, I suppose, by some of us who entertain different opinions. The honorable Senator from Florida is not acting consistently with himself, when he now urges us to act upon a subject, and debate it afterwards. His course formerly was, debate first and action afterwards. I will, therefore, move to lay the whole matter on the table.

Mr. YULEE. I appeal to the gentleman from Mississippi to withdraw the motion for a moment.

Mr. FOOTE. I will withdraw it with the understanding that I shall have an opportunity of renewing it when the honorable Senator shall have concluded.

Mr. YULEE. I perceive that it is the desire of Senators to discuss this matter previous to reference. I shall not, therefore, press the motion now; but I give notice that I shall take the earliest convenient opportunity to ask that the subject be taken up, either for discussion or reference, as may be desired by the Senate.

Mr. FOOTE. I will now renew my motion to lay the whole subject on the table.

The motion was agreed to.

REMOVALS FROM OFFICE.

Mr. BRADBURY. I ask that the Senate now proceed to the consideration of the order of the day.

Mr. CLAY. It is with very great regret that I rise to express a hope that the Senate will not resume the subject which was under discussion yesterday.

The VICE PRESIDENT. The subject is not now under discussion. The question is: Will the Senate now proceed to the consideration of the order of the day.

The question was taken, and the motion was agreed to.

Mr. CLAY. Yesterday, sir, I was in hopes that the question would be taken upon this resolution. I understood it could be taken in half an hour; but, instead of that, a very exciting and animated discussion arose, which consumed the whole day, and which, if it is to be continued in the spirit in which it was conducted yesterday, will consume the whole week. If there were any practical benefit to result from this measure other than that which may have been obtained by the discussion of the principle connected with the exercise of the power of dismissal and appointment to office, I should not be desirous of interposing any objection; and I would not now, if I had not consulted the Senator from Iowa, who said that he should not deem it unkind if the subject should be laid over to another time. If he had any desire to finish his speech to-day, I would not have interposed, but I understand he has not. I have myself a wish to express some of the opinions which I hold upon this resolution, and when I do so I wish to do it altogether.

Now, let me suppose the resolution adopted, is there a Senator here who believes that any other answer will be returned than that the Executive conceives it is not authorized, or rather, is restrained by his own view of the Constitution from making any communication? Does anybody believe there will be any other answer? It is, then, mere discussion upon a high party topic out of time, when there is a question before the country on which, perhaps, depends the decision whether the Union shall exist so as to foster any party, and one upon which a painful degree of interest is felt as to its disposal, one way or the other. I hope, therefore, it will not be the pleasure of the Senate to consider that subject further now. I will therefore move to lay it upon the table, that

Also, the petition of James A. Inness and 67 other citizens of Schuylkill county, Pennsylvania, for the same purpose.

Also, the petition of Daniel Bush and 56 other citizens of Schuylkill county, Pennsylvania, for the same purpose.

By Mr. BOWLIN: The petition of G. Erskine and 141 other citizens of St. Louis, Missouri, praying the establishment of an additional trial term of the circuit court of the United States in the State of Missouri, and a corresponding increase of compensation to the district judge.

By Mr. PHENIX: A memorial to amend an act entitled "An act concerning the registry and recording of ships or other vessels," passed December 31, 1792.

By Mr. LUTLER, of Pennsylvania: The remonstrance of O. Collins and others, citizens of Pennsylvania, against the renewal of the patent granted to Austin and Zebulon Parker, for alleged improvements upon reaction water-wheels.

By Mr. CONGER: The petition of citizens of the city of Rochester and vicinity, New York, for the reduction of postage to two cents, prepaid, upon letters not over half an ounce, and five cents upon letters not over one ounce, for all distances.

Also, a petition for the abolition of the franking privilege, and providing for the free transmission of newspapers through the mails within thirty miles of the place of publication.

By Mr. DIMMICK: The petition of William Burke and 8 others, volunteers in the Florida war, who were on board the ship Charles Wharton at the time of her shipwreck, praying for bounty land and compensation for losses.

Also, the petition of Charles P. Smith and seven others, who were on board of the same ship at the time of her shipwreck, praying for bounty land and compensation for losses.

By Mr. SWEETSER: The petition of Charles H. Frisbee and 37 other citizens of Columbus, Ohio, asking the passage of a law compelling all vessels navigating the waters of the United States, which carry passengers, to provide and carry life-boats and other life-saving apparatus.

Also, the petition of J. A. Taylor and 46 others, of same place, upon the same subject.

By Mr. JULIAN: The petition of 24 citizens of Dearborn county, Indiana, praying Congress to repeal all laws by which slavery or the slave trade is authorized in the District of Columbia.

Also, the petition of 31 citizens of the same county, praying Congress to refuse the admission of any more slave States.

Also, the petition of 30 citizens of the same county, praying Congress to provide a trial by jury for persons claimed as fugitive slaves.

Also, the petition of 31 citizens of the same county, praying Congress to secure, by law, freedom in all the territories of the United States.

IN SENATE.

TUESDAY, June 11, 1850.

A message was received from the President of the United States, in compliance with a resolution of the Senate of the 3d instant, calling for instructions given and orders issued in relation to the assemblage of persons on Round Island during the summer of 1849, transmitting a report from the Secretary of the Navy and accompanying documents, containing all the information not heretofore communicated to the Senate; which was read and ordered to be printed.

The VICE PRESIDENT laid before the Senate a communication from the Department of War in further compliance with the resolution of the Senate calling for copies of reports on the geology and topography of California. The motion to print was referred to the Committee on Printing.

MEMORIALS AND PETITIONS.

Mr. RUSK presented a memorial of citizens of Brownsville and its vicinity, in the State of Texas, in the valley of the Rio Grande, setting forth that the trade of the valley has increased so as to become second in importance to no other port on the Gulf of Mexico, and bidding fair at no distant date to equal that of any port on the Atlantic south of New York, and asking the extension of mail facilities between that place and New Orleans; which was referred to the Committee on the Post Office and Post Roads.

Mr. RUSK. I also present the petition of certain clerks, temporarily employed in the office of the Second Auditor for some two or three years past at the daily compensation of \$3. They ask Congress to increase it to \$4 per day. The petition is accompanied by a letter from the Second Auditor of the Treasury, than whom perhaps there is not a more faithful officer, stating the services which these individuals have performed. I hope the petition will be favorably considered by the Finance Committee, to which I move its reference. The petition was so referred.

Mr. HALE presented four petitions from citizens of Whiteford, in the county of Coos, New Hampshire, asking for the repeal of all laws enacted by Congress by which slavery or the slave trade is authorized or sanctioned in the city of Washington, and that in the event of their non-repeal the seat of the National Government may

be removed to some more suitable location; which were read and ordered to lie on the table.

Also, a petition of Wm. Goodell and twenty-one other citizens of Ontario county, New York, asking the prohibition of the slave trade in the District of Columbia; which was ordered to lie on the table.

Also, a petition of A. G. Fors and one hundred and sixteen other citizens of Hillsborough county, New Hampshire, asking that the resolutions introduced by Mr. CLAY may not pass, and that the slave trade may be abolished in the District of Columbia, and the law of 1793 in relation to the recalculation of fugitive slaves may be repealed; which was ordered to lie on the table.

Also, a petition of J. B. McAllister and thirty-eight other citizens of Chester county, Pennsylvania, asking that the slave trade be expressly prohibited by an act of Congress in all the Territories of the United States, and that no State be admitted into the Union whose constitution does not expressly prohibit slavery within its limits, and that slavery may be abolished in the District of Columbia and wherever else Congress has the constitutional power to abolish it; which was ordered to lie on the table.

Also, a petition from Charles Adams and thirty-six other inhabitants of the city and county of Philadelphia, for a law prohibiting internal slave trade; which was ordered to lie on the table.

Also, a petition from J. Franklin and eighteen other citizens of Gloucester county, in the State of New Jersey, praying that if slavery be a blessing, that all the people of the United States may be allowed to participate in its benefits; which was ordered to lie on the table.

Also, a petition from Samuel H. Peckham and four others, of Lunenburg, Massachusetts, expressing their apprehensions that the contest now going on to decide whether our newly-acquired territory shall remain free, or be cursed with the plague-spot of slavery, will eventually dissolve the Union, however it may be decided, and requesting Congress to restore immediately to Mexico all the territory obtained from her, either by conquest or treaty, as being the most honorable compromise of the question; which was ordered to lie on the table.

Also, a petition from Abigail Fuller, late widow of Timothy Newman, an officer in the naval service during the Revolution, which was referred to the Committee on Pensions.

TEXAS AND NEW MEXICO.

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

Resolved, That the President of the United States be requested to inform the Senate whether any orders have been issued to any military officer or officers at Santa Fe to hold possession against the authority of Texas, or in any way to embarrass or prevent the exercise of her jurisdiction over that country, and that he be requested to furnish the Senate with any correspondence which may have taken place between the War Department and the military stationed at Santa Fe, since the date of his last communication to the Senate on that subject.

RECORDS OF THE UNITED STATES.

The bill from the House of Representatives to repeal a part of the 6th section of an act approved September 15, 1789, entitled "An act to provide for the safe-keeping of the records and seal of the United States and for other purposes," was read a first and second time by its title, and referred to the Committee on the Judiciary.

CUSTOM-HOUSE IN MAINE.

On motion of Mr. HAMLIN, the bill making an appropriation for a custom-house at Bangor, in the State of Maine, was read a third time and passed.

PRESENTS FROM THE SULTAN OF TURKEY.

The joint resolution for the relief of Samuel B. Colt and J. F. Morse, was read a third time and passed.

INCREASE OF THE ARMY.

The Senate proceeded to consider the amendment of the House of Representatives to the bill to increase the rank and file of the army, and to encourage enlistments.

The first question was on concurring in the amendment of the House to the second section.

Mr. RUSK. I hope that amendment will not be concurred in. It would be an expense for no possible benefit whatever. All those who have

any acquaintance with military service know well that mounted infantry, those who have been for years in the service and know nothing on earth about horses and who are at an age too when they can learn nothing with regard to them, are perfectly useless; more useless on horseback, a vast deal, than on foot. In the first place, they do not know how to take care of horses; and in the second, when on horseback, they do not know how to ride at all; and yet they must necessarily be used against the Indians, who are the best horsemen in the world. In such service they would be utterly and totally useless. I hope, therefore, that the amendment will not be agreed to by the Senate. It is my purpose to bring in a bill authorizing the President to increase the force of the army by cavalry for that purpose, who can be drilled properly and be of some service. But the amendment of the House of Representatives does not answer the purpose at all. It will be a mere expense for no earthly use; for I am sure that the infantry would be utterly useless and unable to contend against the Indians, if mounted.

Mr. DAVIS, of Mississippi. I do not entirely approve of the amendment of the House. Indeed, I had expected to oppose it. It is not, however, quite so bad as the Senator from Texas represents. It is a discretionary power conferred on the President to mount such portions of infantry serving on the frontier as he may think proper. In the bill which passed the Senate, and which comes back from the House with this amendment, provision is made to secure the enlistment of western men; and I may be permitted to say to the Senate that the Secretary of War connected that provision with this amendment, expecting that men would be enlisted in the West who would be suitable for mounted service; and I do not doubt such enlistments may be made, if they have a guarantee that they are to serve on horseback. The Senator from Texas will probably admit that this is an expectation which is well founded. The Secretary of War proposes, then, to select such men from the different companies at various stations on the frontiers, and convert them into mounted men. The companies of infantry will thus have on their muster-rolls men serving on horseback. They are to be equipped and used as mounted men, to act as escorts and to pursue the predatory bands of Indians. Such, I think it due to the Secretary of War to state, was the plan he proposed; and it is, in my opinion, capable of execution, if we may consent thus to disturb the organization of the army. It would require additional remuneration to the men thus to serve on horseback. They would require the pay of cavalry, because their expenses would be increased by such service; and unless they serve permanently, I agree with the Senator from Texas that they would be utterly useless. You could not detail a man unacquainted with his horse, and untrained to riding, and expect him to perform the duty of a soldier of cavalry. He could only use the horse for transportation, to carry him where he had to act, and the chances would be that the man and horse would part company before they got to the place of destination. But if, indeed, the man and horse should together get there and back again—he having no cavalry instruction—no permanent interest or attachment to the horse—would, by his ignorance and carelessness, neglect and abuse the animal. I think, therefore, on the whole, that the provision is not entirely an economical one. I would myself prefer, both for efficiency and economy, to see such mounted force as is required regularly organized. Yet, though the expense would be greater, man for man, as long as it is kept up, according to the proposed plan, it is much easier to get rid of it when no longer required as a mounted force. The infantry could be ordered again on foot, without a law for disbandment, and the horses could be sold. I think with the increase of the army proposed, by increasing the rank and file of the frontier companies, and with the enlistments which can be effected with the guarantee that they are to serve on horseback, that the amendment could be made quite useful, though not so good as a regularly organized force of cavalry. I have always been in favor of having in our army, upon the peace establishment, a nucleus for every branch of the service. We have in recent years added light artillery and dragoons. We have, however, no light cavalry and no lancers. I think a regiment of light cavalry, and one or two squadrons of that

INVASION OF CUBA.

Mr. DAWSON moved that the Senate take up the message of the President, communicated on the 31 instant, in relation to the revolutionary movements against Cuba, in order that it might be printed.

The motion was agreed to, and the message was before the Senate to be disposed of.

Mr. YULEE. It will be recollected by the Senate that some time ago, when this message was received, I suggested some objection to its being then ordered to be printed. I preferred that, in the first place, it should have a reference to a committee. However, as some gentlemen then desired to discuss the subject which it involved, its reference was postponed. I desire now to say that I have no objection to the printing, though nearly all that is material in it has been printed already; but, as I still desire a reference of this matter to a committee, I am anxious to know whether, if the printing be ordered, the reference can be made before the original documents shall be returned from the printer? If so, I shall desire the Senate to withhold them for the present.

Mr. DAWSON. In every such case, the documents received from the Executive are ordered to be printed; but on the motion of the Senator from Florida, these documents, without being ordered to be printed, were laid upon the table. It is true that many extracts have been made from this document since it was laid before the Senate. Yet still I desire that it should be printed. It ought to be printed before it is referred; but I have no objection to its reference to a select committee.

Mr. YULEE. With that understanding, I have no objection to this motion; but I now give notice to the Senate that at an early period I will ask that this subject be taken up and disposed of.

The motion to print was then agreed to.

NOTICE OF BILLS.

Mr. CLEMENS gave notice that he would, on some suitable opportunity, ask leave to bring in a bill to cede the public lands remaining unsold to the States in which they lie, and for other purposes.

Mr. BENTON gave notice that he would tomorrow, or some subsequent day, ask leave to introduce a bill for the relief of John Edsall.

RESOLUTIONS ADOPTED.

Mr. WALKER moved that the Senate take up for consideration the resolution submitted on the 12th instant instructing the Committee on Public Lands to report back to the Senate, bill No. 85; which motion having been agreed to, the resolution was read and adopted, as follows:

Resolved, That the Committee on Public Lands be instructed to report back to the Senate the bill entitled "A bill to cede the public lands of the United States to the States respectively in which they are situated, on condition that the said States shall severally grant and convey the said lands to actual occupants only, in limited quantities, for cost of survey, transfer, and title monuments merely."

DONATION OF LAND FOR A RAILROAD.

Mr. ATCHISON moved that the Senate proceed to the consideration of Senate bill No. 21, being the bill granting the State of Missouri the right of way and a portion of the public lands for making a railroad from the town of Hannibal to the town of St. Joseph, in said State.

The motion was agreed to, and the bill was considered as in Committee of the Whole.

Mr. ATCHISON. I move to strike out all after the enacting clause, and insert a substitute. This bill is in conformity with the decision of the Senate on a bill of like character. Except the names of the towns at the termini of the proposed road, it is the bill passed by the Senate making a like donation of lands to the State of Illinois.

The amendment was agreed to.

The bill was then reported back to the Senate, and the amendment concurred in. The bill was ordered to be engrossed for a third reading, and was read a third time and passed.

RECORDING CONSIGNEES OF VESSELS—ARSON AT SEA.

On motion of Mr. DAVIS, of Massachusetts, the Senate proceeded to the consideration of House bill No. 87, being the bill to provide for recording the conveyances of vessels and for other purposes.

Mr. DAVIS. I move to amend the bill by adding the following sections:

"Sec. 7. And be it enacted, That any person, not being an owner, who shall on the high seas wilfully, with intent

to burn or destroy, set fire to any ship or other vessel, or otherwise attempt the destruction of such ship or other vessel, being the property of any citizen or citizens of the United States, or procure the same to be done, with the intent aforesaid, and being thereof lawfully convicted, shall suffer imprisonment to hard labor for a term not exceeding ten years, nor less than three years, according to the aggravation of the offence.

"Sec. 8. This bill shall be in force from and after the 1st day of October next ensuing."

That amendment is offered in consequence of the discovery of its necessity on the recent trial of a person for arson in setting fire to a vessel, in which the indictment failed. It was the opinion of the judge who tried that case that the language of the statute was not broad enough, and to remedy that defect this amendment has been prepared. The other section requires no explanation. If gentlemen desire any explanation of the bill itself, it can be given in a few words. It makes provision for recording the conveyances of vessels in such a manner that the fact shall have ample publicity.

Mr. YULEE. I desire to inquire if the amendment now presented comes from a committee?

Mr. DAVIS. It does not. The committee by which the bill was reported was not acquainted with the necessity for the amendment when the bill was under its consideration. The amendment, as I have stated, was drawn up since a recent trial for burning a ship at sea, in which its necessity was made evident.

Mr. YULEE. The amendment proposes to add another to the criminal offences on the statute book, and to provide for that offence a severe punishment. I should much prefer that the Senator should embody his amendment in a separate bill, which may be referred to the Committee on the Judiciary.

Mr. BUTLER. What is the penalty proposed?

Mr. DAVIS. Not exceeding ten nor less than three years.

The amendment was agreed to, the bill was reported to the Senate, and the question was stated to be on concurring in the amendment.

Mr. YULEE. If it be now in order to move to refer this whole subject to the Committee on the Judiciary, I should like it to take that course, unless the chairman of that committee is prepared to say that he approves of the amendment.

Mr. BUTLER. I presume the Senator from Massachusetts has had his amendment drawn up in a sufficiently guarded manner to define the offence; and if so, I think the penalty is quite moderate for a man who will deliberately burn a ship upon the high seas. I give it my individual sanction, without undertaking to speak for the committee. I desire, however, to ask the Senator from Massachusetts if this amendment has been drawn so as to define that offence according to the common law import?

Mr. DAVIS. I know not how far I shall be justified in the statement, but in answer to the Senator from South Carolina, I will inform him, that it was drawn by one of the judges on the Supreme Bench.

Mr. BUTLER. Then I am satisfied. I regard that as sufficient.

Mr. YULEE. Mr. President, I do not press the desire for a reference which I expressed.

Mr. HAMLIN. An objection is suggested to my mind, as the bill now stands. Will the Senator from Massachusetts show me how he makes the amendment germane to the bill to which it is attached?

Mr. DAVIS. The bill makes provision for the enrollment of conveyances of vessels, so as to give to the fact ample publicity, and the amendment is designed to supply the defect in the criminal statute, so as to define and provide a punishment for burning vessels at sea. It seems to me that the amendment is sufficiently germane.

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

PRIVATE BILLS.

The bill for the relief of Mrs. Margaret Hetzel, administratrix on the estate of A. R. Hetzel, late assistant quartermaster in the army, was read a third time and passed.

Mr. HAMLIN moved that the Senate take up for consideration Senate bill number 50—being the bill for the relief of the heirs of Judith Worthen, deceased; which motion was agreed to.

In explanation of the object of the bill, the hon-

orable gentleman read the report of the committee on the case.

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

THE COMPROMISE BILL.

On the motion of Mr. CLAY, the Senate, as in Committee of the Whole, proceeded to the consideration of the bill for the admission of California as a State into the Union, to establish territorial governments for Utah and New Mexico, and making proposals to Texas for the establishment of her western and northern boundaries.

Mr. DAVIS, of Mississippi, had moved to insert at the end of the 21st section the words:

"And that all laws or parts of laws, usages or customs, preëxisting in the territories acquired by the United States from Mexico, and which in said territories restrict, abridge, or obstruct the full enjoyment of any right of person or property of a citizen of the United States, as recognized or guaranteed by the Constitution or laws of the United States, are hereby declared and shall be held as repealed."

Which Mr. HALE had moved to amend by adding the following:

"Provided, That the laws abolishing slavery in the said territories are excepted from this repealing clause."

The question being on the amendment of Mr. HALE, it was rejected.

On the amendment of Mr. DAVIS, Mr. HAMLIN called for the yeas and nays, and they were ordered, and being taken, resulted as follows:

YEAS—Messrs. Atchison, Bell, Berrien, Butler, Clemens, Davis, of Mississippi, Dawson, Foster, Houston, Hunter, King, Mason, Morton, Pearce, Rusk, Sebastian, Soule, and Yulee—18.

NAYS—Messrs. Badger, Baldwin, Benton, Bright, Cass, Chase, Clarke, Clay, Cooper, Corwin, Davis, of Massachusetts, Dayton, Dodge of Wisconsin, Dodge of Iowa, Fildes, Greene, Hamlin, Jones, Miller, Norris, Phelps, Pratt, Shields, Smith, Spruance, Sturgess, Underwood, Upham, Walker, and Whitcomb—20.

So the amendment was rejected.

Mr. BENTON, at an earlier period of the day, before this bill was taken up, gave notice to the Senate of his intention, at a convenient opportunity, to offer an amendment, which he submitted, that it might be ordered to be printed.

The amendment was ordered to be printed, as follows:

Strike out of proposition 1st, of section 19, after the word "beginning," these words, "at the point on the Rio del Norte, commonly called El Paso, and running up that river twenty miles, measured by a straight line thence, and thence eastwardly to a point where the hundredth degree of west longitude crosses the Red river, being the southwest angle on the line designated between the United States and Mexico, and the same angle in the line of the territory set apart for the Indians by the United States;" and insert after the said word "beginning" these words, "at the point in the middle of the deepest channel on the Rio Grande del Norte, where the same is crossed by the one hundred and second degree of longitude west from the meridian of Greenwich; thence north, along that longitude, to the thirty-fourth degree of north latitude; thence eastwardly to the point at which the one hundredth degree of west longitude crosses the Red river."

Mr. WALKER. I move to amend the ninth section of the bill by adding thereto the words "and such aliens born as have declared their intentions to become citizens, according to the laws of the United States," so as to make it read:

"Provided, That the right of suffrage, and of holding office, shall be exercised only by citizens of the United States, including those recognized as citizens by the treaty with the Republic of Mexico, concluded February 2, 1848, and such aliens born as have declared their intentions to become citizens of the United States."

Mr. KING. I really cannot see what the honorable Senator wants. Does he mean to confer on aliens residing in the territories privileges which aliens residing in the States do not possess? Under the treaty, the Mexicans inhabiting these territories were made American citizens on certain conditions, and of course will be allowed to vote. It certainly cannot be the intention of the honorable Senator to allow Chinese, Sandwich Islanders, and others who know nothing about our institutions, to vote and be eligible to office. If he does not mean that, I should like to know what the amendment does mean. I should really like to have some explanation of its object.

Mr. WALKER. Mr. President, I mean precisely what the amendment expresses. I mean that all aliens in these territories, who have declared their intention to become citizens of the United States, shall be allowed the privilege of voting. This is a subject that has been heretofore considerably discussed in Congress. I do not feel any desire to discuss it now. The provision which I have proposed as an amendment to this bill was not contained in the bill providing for the govern-

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point of order that the motion to reconsider did not open the merits of the subject, but that the debate must be confined to the propriety of reconsidering the order.

The SPEAKER (*pro tem.*) overruled the point of order—remarking that the motion to reconsider the motion to refer did not open the merits of the subject, but that the motion to reconsider the motion to print did so.

Mr. CONRAD (considering this not in accordance with previous decisions) appealed.

The SPEAKER (*pro tem.*) stated the question on the appeal. The point of order made was, that the motion to reconsider the vote ordering this message to be printed did not open the merits of the question involved in the message, but that the debate must be confined to the question of printing. The Chair overruled this point of order; and the question was, "Shall the decision of the Chair stand as the judgment of the House?"

Mr. EVANS, of Maryland, referred to the fact that long debates (one of which he specified) had taken place from time to time in the House upon motions to print.

The SPEAKER (*pro tem.*) said, he had no doubt in his own mind upon the question of order.

Mr. CONRAD repeated, that he had been informed otherwise as to the practice of the House; but, as the Speaker and other gentlemen differed with him, he would withdraw the point of order.

Mr. SAVAGE concluded his remarks as above.

Mr. WHITE moved to lay the motion to reconsider on the table.

Mr. KAUFMAN moved that the House adjourn.

Mr. SAVAGE withdrew the motion to reconsider; but said, if any gentleman wished to speak he would renew it.

The SPEAKER requested the gentleman to state, unconditionally, whether he withdrew the motion.

Mr. SAVAGE said he did withdraw the motion.

Mr. WILDRICK, from the Committee on Enrolled Bills, made a report.

Mr. WHITE renewed the motion to reconsider, previously made by Mr. SAVAGE, and moved to lay that motion on the table.

Pending the question—

On motion, the House adjourned.

PETITION.

The following petition was presented under the rule, and referred to the appropriate committee:

By Mr. ROCKWELL: The petition of Eliphalet Packard and 19 other citizens of Cummington, Massachusetts, in favor of a modification or repeal of the tariff law of 1846, and the adoption of the principle of specific duties on imports.

IN SENATE.

TUESDAY, July 23, 1850.

The PRESIDENT *pro tem.* laid before the Senate the following communication from the Hon. THOMAS CORWIN:

WASHINGTON, July 22, 1850.

To the Hon. W. R. KING:

President *pro tem.* of the Senate of the United States: Sir: I have the honor to request that you will lay before the Senate the accompanying copy of a letter addressed by me to the Governor of Ohio.

With sincere regard, I have the honor to be, your obedient servant,

THOMAS CORWIN.

WASHINGTON, July 22, 1850.

To His Excellency SEABURY FORD,

Governor of the State of Ohio: Sir: I have the honor to inform you that I have been appointed Secretary of the Treasury of the United States, and that my seat in the Senate of the United States will be vacant from this day.

With sentiments of high regard, I am your obedient servant,

THOMAS CORWIN.

NEW YORK AGRICULTURAL EXHIBITION.

Mr. DICKINSON presented, and asked that it might be read, a resolution adopted by the Executive Committee of the New York State Agricultural Society, inviting the members of the Senate and House of Representatives to attend their annual exhibition, to be held in the city of Albany on the 3d, 4th, 5th, and 6th of September next.

The communication was read and ordered to lie on the table.

REPORTS FROM COMMITTEES.

Mr. DAVIS, of Mississippi, from the Committee on Military Affairs, reported a bill to provide for the increase of the medical staff of the army of the United States; which was read and passed to a second reading.

INDIAN DEPREDACTIONS.

Mr. ATCHISON. The Committee on Indian Affairs have directed me to report a bill to extend the benefit of the 17th section of the act to regulate the intercourse with the Indian tribes, and to preserve peace on the frontiers, approved the 3d June, 1834, to the citizens of Texas, Florida, and Alabama. I trust the Senate will consent to consider the bill now. It does nothing more than ask that the benefits of this section be extended to these States subsequent to the Seminole war. I think it ought to be extended to them on every principle of justice and equity. This bill authorizes the citizens of these States, who have sustained the loss of property by reason of depredation committed by any Indian or Indians in amity with the United States, to apply to the agent or sub-agent, or the commissioner of Indian Affairs; and, upon such application, it is the duty of the agent or sub-agent, or commissioner, to take proof of the amount of damage sustained or the amount of property injured; and, if the tribe to which the Indian or Indians belong receive annuities from the United States, to reserve the amount from such annuities. If they receive no annuities, then that the United States shall indemnify these parties out of the Treasury. This is the sum and substance of the bill.

The bill was then read a second time, and considered by the Senate as in Committee of the Whole.

Mr. ATCHISON. I desire to call the attention of the Senators from Florida and Alabama to the bill, in order that we may proceed to fill up the blank.

Mr. CLEMENS. I propose to fill the blank with the words "the first day of June, 1836." I think, too, that the bill ought to be amended by adding the words "and Georgia," after the words "Florida and Alabama," and I move so to amend it. There were some depredations committed in Georgia.

Mr. ATCHISON. I have no objection to that amendment.

The question was then taken on the amendment, and it was agreed to.

Mr. YULEE. I move to amend the proposition of the Senator from Alabama, by filling the blank with the words "the tenth day of May, 1842."

Mr. ATCHISON. I think, Mr. President, it will perhaps be better to postpone the further consideration of this bill till to-morrow, so that we can consult as to the best mode of filling up the blank.

The further consideration of the bill was accordingly postponed until to-morrow.

CLERKS IN THE MILITARY BUREAUS.

Mr. SHIELDS. I ask the Senate to take up bill No. 267. The object of the bill is to classify the clerks in the War Department, and to equalize their salaries. It has been reported by the Committee on Military Affairs, and I presume will meet with no opposition.

The bill to provide for the classification of the clerks in the military bureaus, and to equalize their salaries, was then read a second time, and considered by the Senate as in Committee of the Whole.

Mr. DOWNS. This seems to be a very important bill, and I should like to know where it came from. It is too important a measure to be taken up and passed on the spur of the moment, without consideration. It seems to provide for a great many extra and large salaries, and it appears to me that it would be rather hasty to dispose of so important a measure without more information on the subject.

Mr. SHIELDS. I will state, for the informa-

tion of the Senator from Louisiana, that this bill does not increase the number of clerks at all. It leaves them just as they were with regard to numbers. It merely classifies them, and equalizes and graduates their salaries. It does not increase their number, but it is to put the War Department on the same footing with the other departments, which at present is not the case. This is all the change which is contemplated. This bill has been reported by the Military Committee, and has been lying on the table for a considerable time.

Mr. DAVIS, of Mississippi. I hope there is no necessity for explaining further the object of the bill. Its design is well known, both to the Senate and the country. It must also be well known that in the organization of new bureaus, the clerks in these departments are receiving higher compensation than those in the older departments. In the War Department, which is the oldest, the clerks have been receiving a less compensation than in some of the others. Sir, I believe there is no class of the community so poorly paid, according to their attainments and the duties which they have to perform, as the clerks in the bureaus. There are frequently to be found there men of high classical attainments, and who render very important services to the country; and it is no reflection on the heads of bureaus to say that it not unfrequently occurs that the clerks are more competent than they are. In all the oldest bureaus, the law bears in this way with peculiar hardship, and so it has been considered by every committee who have examined this subject, from 1815 to this day. The bill which is now before the Senate is the same as was reported last session of Congress, and I can add no better reasons for its passage than those which I then gave to the Senate, and hope the bill will be passed without objection.

Mr. DOWNS. I did not rise to offer any objection to the bill, but merely to obtain such information in regard to it as appeared to be necessary. And, having obtained such information as satisfies me, from the chairman of the Military Committee, I have no objection to the passage of the bill. It appeared to me to be a very important bill, and as I knew nothing of its provisions, I was anxious to know what they were.

The bill was then reported back to the Senate, ordered to be engrossed for a third reading, and was subsequently read a third time and passed.

BILL ON LEAVE.

Mr. BRIGHT, in pursuance of notice, asked and obtained leave to introduce a bill for the relief of Ebenezer Dumont, which was read a first and second time by its title, and referred to the Committee on Military Affairs.

ROUND ISLAND.

Mr. DAVIS, of Mississippi. I beg to offer the following resolution:

Resolved, That the Secretary of the Navy transmit to the Senate copies of the instructions, orders, and correspondence relating to the assemblage of persons on Round Island, and referred to in his letter of the 5th of June last, (Executive document 53,) as having been furnished to the President on the 30th of May last.

This is a resolution calling for papers which, from an error as to the period of the introduction and passage of a resolution of the Senate, have failed to reach the Senate, and the reply refers to papers which, owing to this accident, never arrived. The papers are, consequently, not in the possession of the Senate. It is in order to obtain the first answer that has not reached the Senate that I offer this resolution.

The resolution was adopted.

RESOLUTION ADOPTED.

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

Resolved, That the Secretary of the Interior be directed to furnish the Senate with all the information in his department relative to the present condition of the swamp and overflowed lands of Louisiana, with copies of any reports that may have been recently made on this subject; also, an estimate of the area of swamp lands in that State, and of those subject to overflow which have been sold by the United States; with a statement of the general character of the lands that still remain the property of the Government after