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IN CONGRESS OF THE U. STATES.

Thirty-First Congress—First Session.

WEDNESDAY, APRIL 10, 1850

SENATE.

[IN CONTINUATION.]

Mr. WHITCOMB. I would like to understand from the senator from Kentucky whether the printing already done is not restricted to the first three tables in numerical order?

Mr. UNDERWOOD. It is not restricted to the first three tables. There has been no printing already done on the other tables, except samples. Only two reams of paper have been consumed.

Mr. WHITCOMB. Then I understand that there have been no changes made in the first three tables?

Mr. DAVIS. Very large changes have been made in the first tables.

Mr. WHITCOMB Then I do not see how we are to use that printing. But it matters not, sir; I rise merely to add a word—

Mr. DAVIS. I will state to the gentleman that the amendments made yesterday in the second tables were made by striking out—so that the tables can be used.

Mr. WHITCOMB. I am very glad to hear that there is no useless expense incurred. But if the senators had paid attention to the amendment, they would have found that I proposed only the printing which had not already been executed should be given out to the lowest bidder, on ten days' notice. I was already aware that the committee, of which the honorable senators from Kentucky and Massachusetts are members, had concurred with me in the opinion that it was proper to have a provision in relation to printing; for they had already set the example in preparing the bill. My amendment was merely a modification of the first part of that section—"in order to give dispatch to business, the said Secretary shall be authorized to contract for the preparatory printing by ten days' notice," by adding, "to be contracted for by the lowest bidder." With that modification it is to be transferred to the amendment offered by the gentleman from Georgia, so that if the Senate should prefer that of the senator from Georgia, we could adopt it with this modification. The amendment of the senator from Georgia would then be to strike out all after the enacting clause, with the single modification or exception that by my amendment it is to be given out to the lowest bidder.

Mr. SMITH. I would simply remark, that in the original bill, the very amendment which the senator makes was rejected by the Senate. The senator from Arkansas [Mr. BORLAND] did propose to put out the preparatory printing to the lowest bidder.

Mr. BORLAND. I do not recollect that I offered any amendment, such as is described by the senator from Connecticut. I did offer an amendment to give the printing to the printers of Congress, apart from any contract that now exists in relation to congressional printing. After some discussion, it was rejected by the Senate. If I made any other, I have no recollection of it now.

Mr. SMITH. I am not mistaken in my recollection that the amendment of the senator, as originally presented, contained a proposition to put out the printing to the lowest bidder.

Mr. WHITCOMB. That was my motion.

Mr. SMITH. It is sufficient to say that there is no such provision in the original bill as it now stands; and the gentleman, therefore, proposes to make as a substitute for the bill a provision which is not in the original bill.

Mr. BORLAND. I think, sir, from the indications that have been given, that the census bill is in a very bad condition, so far as any hopes can be entertained of its passage in a practicable form. The senator from Kentucky spoke of a war which was going on between two parties here. It has struck me that it was more like a certain duel, recorded in one of the famous works of fiction, in which a certain triangular mode of fighting was adopted. There are three parties in this contest—the Census Board, the Census Committee, and those who, like myself, differ from both; and each seems to have a different object in view. Between the three, I think the census bill is in a very fair way to be killed off. I feel very desirous that it should be passed, and that at an early day. With that view, on yesterday I urged certain views which I entertained, for the purpose of contributing my mite to simplify and bring it down to a practicable form—one which would enable us to perform our constitutional duty within the time required. I had that hope, and I am not entirely without hope now; but the prospect does not seem so good as it did yesterday.

On the subject of this printing, it seems to me, if we adopt the construction of the law as given by the senator from Maryland, [Mr. PEARCE,] that it will put us entirely in the hands of the Census Board. In the beginning, they had the power to do all the printing that might be necessary, and to contract for any amount of work, to any degree of expense; and when they brought forward their work, we were under implied obligations to take it, and receive it as our own, and send it to the country. If there had been an extension in the passage of the act of the last session, we would have passed a census bill at once, because no more work was necessary to be done, if we give full power to the board, the committee, or any one else to prepare and print the schedules. If we give them this power and authority to incur the necessary expense, and prepare the whole system of operations, there is nothing left for us to do—nothing at all. But, sir, we passed no such bill. The title of the bill is, "An act for making *arrangements* for taking the census," not for *taking* the census. If we grant them the power to take all the necessary steps for taking the census, we deprive ourselves of all power to revise their acts, and are bound to take what they give us. I can see nothing else but that.

If the consideration of the gentleman from Connecticut is to have any force, it seems to me it is nothing more nor less than a recognition of the right of any one, who may choose to go into the market, and monopolize all the paper which may be required for the execution of the work, and then tell us, "this is the only paper which can possibly be obtained upon which the work can be properly done;" so that unless we submit to his terms we cannot get it done. Thus these monopolizers have us in their power, and we are bound to submit to their terms. It is perfectly consistent, therefore, for gentlemen to say it is useless to talk of putting this out to contract; for there is no use of a contract, if the paper is to be monopolized. Are we to recognise any such power in the hands of any one, to place us in this condition and make us helpless, being bound to submit to any exactions they may think proper to concert?

Now, sir, as to the preparatory printing of these schedules, we can only adopt them by not making any amendment to them. If we amend them, those that are already printed are worthless, and cannot be used. And as to the idea of sending mutilated copies, by which the marshals will be led into error, we might as well trust them to make the schedules themselves. We give them no guide by which to go. They are to be confused by these mutilated and imperfect schedules. And so far as time is concerned, it will take more time to correct and get through these tables than it will to undertake to print new. Why, sir, it will take a much longer time. It will take twenty clerks, I apprehend, from now until the first of June to prepare them; whereas, if we make new schedules, and give them a proper form, it will take much less time.

Sir, there seems to be a great deal of mystery about this matter of printing. We are told that there is an immense amount of printing that has been done, and we are bound therefore to take it. I have a great respect for the members of the Census Board. I have no doubt that they have performed their duty conscientiously, and, as they believe, efficiently. But I beg leave to refer to the law of Congress under which they act. They have no authority under that law to make prospective contracts amounting to some hundred thousand dollars, perhaps to two hundred thousand dollars. They were limited to the sum of ten thousand dollars—expressly limited to that amount. And I apprehend that the necessary printing contemplated by that act could have been done for $10,000. One set of schedules, or half a dozen copies of each, would have been sufficient to indicate the plan of the board. But, instead of that, we have, as we are told by the senator from Maryland, [Mr. PEARCE,] printing already done to the amount of $30,000, and a contract—though not positively, yet prospectively made—for an amount which, if I am capable of making any estimate, cannot be less than some hundred thousand dollars.

Mr. HALE. I wish to make a few remarks. I have been listening patiently and diligently to the discussions, to find out something about this matter. The senator from Arkansas has referred to a *triangular* fight, and other matters. Now, what there is back of all this, I do not know. I have voted sometimes one way and sometimes the other. I promised yesterday to stick by the chairman of the committee, and the first thing I knew the chairman was voting for an adjournment. I suppose it is not out of order to refer to the fact that the constitution of the United States recognises another branch of Congress. I suppose that it is not out of order to refer to the fact, which appears in the newspapers, that there is another assembly sitting in this city that will have this subject under consideration to-morrow, and from day to day till they can get a bill passed; and I hope that, recognising the constitutional fact that there is another body that has this bill under consideration, and the fact that we have tried so long and done so little, that we will be content to take up this matter after the House has acted upon it; and, with a view to that course, I move that the whole subject be laid upon the table, and upon that question I ask the yeas and nays:

YEAS.—Messrs. Foote, Hale, Shields, and Turney—4.

NAYS.—Messrs. Badger, Baldwin, Bell, Benton, Borland, Bradbury, Bright, Butler, Chase, Clarke, Cooper, Corwin, Davis of Massachusetts, Dayton, Dickinson, Dodge of Iowa, Dodge of Wisconsin, Downs, Felch, Greene, Hamlin, Hunter, King, Mangum, Mason, Miller, Morton, Norris, Pearce, Phelps, Rusk, Sebastian, Seward, Smith, Spruance, Underwood, Wales, and Whitcomb—38.

So the motion was not agreed to.

The question recurring upon the amendment submitted by Mr. WHITCOMB—

Mr. BRADBURY said: Mr. President, the vote upon the amendment of the honorable senator from Indiana would be regarded, I think, either as a disapproval or ratification of the act of the Census Board in procuring the printing of the forms and schedules. That act was regarded by the committee appointed by the Senate as an act beyond their power; and before we, by a rejection of the amendment, shall approve of the contract made by the Census Board, I think we ought to have some knowledge of what sort of contract they have made. It seems that this board have gone forward, without warrant of law, and made a contract for the printing of the forms of the schedules, and we are now called upon, by implication, to approve of that contract, without knowing anything of the terms of it. I think that it is due to the Senate that the friends of the measure should avow here what are the terms, and give that information to the Senate, that they may act understandingly as to whether it is a prudent and discreet contract, or otherwise. It may be that it is such a contract as will meet the approbation of the Senate, so far as the terms are concerned. I think they never could, however, approve of the usurpation by which the board, who are limited in their expenses to $10,000, should go into a contract of so great a magnitude as we have heard this morning. If any senator is in possession of that information, I would ask that he would inform the Senate what the terms of that contract are; for I am unwilling to approve of it, by implication, without the information. I think we can be safe only in adopting the amendment of the senator from Indiana; and even if the terms were such as might be regarded as reasonable, I would go no further than the senator from Indiana does; and that is, to accept that portion of it which is already done, and submit the rest to the lowest bidder.

Mr. PEARCE. I will give the senator the information that he desires. It is in the report of the Census Board, ordered to be printed by the Senate on the 19th of March, 1850. It reads as follows:

"Understanding that, by the law, it was our duty not only to make the schedules, but to cause them to be printed, and further believing that suitable paper could not be ordinarily purchased in the market, we, in the summer, directed the printer to make a contract for paper to be manufactured for the purpose. He entered into a contract for 3,000 reams, with the right to extend the quantity, if necessary, to 5,000 reams, at the price of $6 per ream. One thousand reams have been delivered and paid for, by our order, out of the fund appropriated for the purpose."

So much for the paper. The ordinary paper is $4 per ream, and the expense of printing is $10 per ream, which is less than one-half what it cost in 1840.

The question upon the amendment offered by Mr. WHITCOMB was then put, a division was ordered, and upon the division there were 25 yeas; when—

Mr. PEARCE rose and said: I would suggest to the mover of that amendment, that I would have no objection to vote for it, if he will confine it to all the other printing except the forms and schedules. I think that is required of us by law. If the senator will so amend his amendment, I would vote for it with great cheerfulness.

Mr. WHITCOMB. That is about all that there is of it, I think.

Mr. PEARCE. They will amount to but about $50,000 at the furthest. They have a contract for 3,000 reams, at $6 per ream, with the right to extend it to 5,000 reams, which would make $30,000. The whole amount of printing will, I dare say, amount to near $250,000. Now, if the senator will amend his amendment so as to take all except the forms and schedules, I will vote for it cheerfully.

Mr. WHITCOMB declined modifying his amendment

Mr. MILLER. If it is not too late, I call for the yeas and nays.

The yeas and nays being ordered, were taken, and resulted—yeas 26, nays 19—as follows:

YEAS—Messrs. Atchison, Benton, Borland, Bradbury, Bright, Butler, Cass, Chase, Dickinson, Dodge of Iowa, Dodge of Wisconsin, Downs, Felch, Foote, Hamlin, Hunter, King, Mason, Norris, Rusk, Sebastian, Shields, Turney, Walker, Whitcomb, and Yulee—26.

NAYS—Messrs. Badger, Baldwin, Bell, Clarke, Clay, Cooper, Corwin, Davis of Massachusetts, Greene, Mangum, Miller, Morton, Pearce, Phelps, Seward, Smith, Spruance, Underwood, and Wales—19.

So the amendment was agreed to.

Mr. WHITCOMB. Mr. President, for the purpose of making the bill of the committee correspond to the amendment of the senator from Georgia, as amended, I now offer an amendment to the original bill, so that the Senate may afterwards choose between the two. After the words "to contract," in line three, section 21, I move to insert the words "with the lowest bidder."

The question being taken upon this amendment, it was agreed to.

Mr. UNDERWOOD. I wish to present a test question to the Senate in reference to the compensation of marshals. I therefore move to strike out of the amendment of the senator from Georgia the 9th section, in relation to compensation to assistant marshals. My object in making this motion is to bring to the consideration of the Senate the different modes of compensation for marshals, and have the Senate decide between the plan of the committee and the plan of the amendment. I therefore move to strike out all after the enacting clause, in the 9th section of the amendment, so as to leave a blank. If it be the pleasure of the Senate to strike out this section, I shall then move to insert in the blank the plan adopted by the Senate committee.

I only wish to make a very short statement, and to give you results instead of arguments. I have taken a county twenty miles square, and have made an estimate according to the plan of the bill offered by the gentleman from Georgia, [Mr. DAWSON,] in order to show the amount of compensation which will be allowed, at all the steps or grades of compensation provided for in that bill; and the result is as follows:

With 76 inhabitants to the square mile, which will be a population of 30,400, the compensation of the marshal will be $608; at 74 to the square mile, with a population of 29,600, the compensation is $740: thus the individual who does the least work gets $132 the most money. The next step in this process is that of a population of 51 to the square mile, or 20,400 in all, when the compensation is $306; with 49 to the square mile, or 19,600 in all, the compensation is $588. In that case, the one who does the least work gets $282 more than the other, which is nearly double. The next jump, so to express it, in this scale, is from a population of 26 to the square mile, or a population of 10,400, in which case the marshal receives $312, to a population of 24 to the square mile, or a population of 2,600, where he gets $384, or $72 the most money with the least work. The last is the case of 9 to the square mile, where the marshal gets $280, and the population is 3,600; whereas, when there are 26 to the square mile, the marshal gets but $312. For doing one-third of the work, he gets almost as much compensation as the other. This system of injustice and inequality is such through the whole amendment, and there is no remedy for it, except to take a little schoolmaster arithmetic. If it was a question of science, I might look for a different result. I know that has been repudiated upon the floor; everything appertaining to that has been knocked out of the bill. But as this is nothing but a piece of old-field schoolmaster arithmetic, I hope it will be taken notice of.

The question being taken upon the amendment, it was agreed to.

Mr. UNDERWOOD moved to insert sections 9th, 13th, and 14th, of the committee's bill, in the place of that which had just been stricken out.

The reading of the articles was called for, and they were accordingly read as follows:

SEC. 9. *And be it further enacted*, That, whenever the population returned in any district shall exceed one million, the marshal thereof shall be entitled to receive, as a compensation for all his services in executing this act, after the rate of one dollar for each thousand persons; but if the number returned shall be less than a million in any district, the marshal thereof shall be allowed for his services after the rate of one dollar and twenty five cents for each thousand persons: *Provided, however*, That no marshal shall receive less than two hundred and fifty dollars: *And provided, further*, That the compensation of the several marshals of Florida and the Territories shall be such an equivalent for their respective services as the Secretary of the Interior shall deem to be just and equitable.

SEC. 13. *And be it further enacted*, That each assistant shall be allowed, as compensation for his services, after the rate of two cents for each person enumerated, and ten cents a mile for necessary travel, to be ascertained by multiplying the square root of the number of dwelling-houses in the division by the square root of the number of square miles in such division, and the product shall be taken as the number of miles travelled for all purposes in taking this census.

SEC. 14. *And be it further enacted*, That in addition to the compensation allowed for the enumeration of the inhabitants, there shall be paid for each farm fully returned ten cents; for each establishment of productive industry, fully taken and returned, fifteen cents; for the social statistics, two per cent upon the amount allowed for the enumeration of population, and for each name of a deceased person returned, two cents: *Provided, however*, That in making returns of farms and establishments of productive industry, the instructions given by the Secretary of the Interior must be strictly observed, and no allowance shall be made for any return not authorized by such instructions, or for any returns not limited to the year next preceding the first of June next.

Mr. HALE suggested that, in the amendment to the bill yesterday, on motion of the senator from New York, the words "Secretary of the Interior," wherever they occurred, had been stricken out, and the words "Census Board" substituted; and that to make this substitute congruous, the same motion should be made.

The VICE PRESIDENT was understood to state that the Secretary had read these sections with that amendment.

Mr. HALE said that the amendment proposed was to insert the 9th, 13th, and 14th sections of the original bill, which had not been amended in that respect. If they were to be inserted in the substitute of the senator from Georgia, it became necessary, to make it congruous, that this expression should be changed.

Mr. UNDERWOOD. In the provisions for the compensation of the marshals, there are references to the Secretary of the Interior. The suggestion of the senator from New Hampshire is to modify this reference to the Secretary of the Interior, so as to make it the Census Board, in order to agree with the rest of that bill. I accepted the modification.

The VICE PRESIDENT stated the question as modified.

Mr. BRIGHT said that, if he understood the bill, it gave a discretionary power to the Census Board to make an extra allowance whenever they thought proper, and suggested that this discretionary power be vested in the district judges of the different States. That was the law of 1840, and there was a reason why that officer would be preferable to this board. Each district judge was presumed to be well acquainted with the character of his own State, and a much better judge of this matter, being a citizen upon the spot, than this board, being remote. There might perhaps be some good reason, however, for not adopting the amendment suggested.

Mr. UNDERWOOD stated that this was a matter of very little concern. The senator would observe that it was the compensation of the marshals which should be "such an equivalent for their respective services as the Secretary of the Interior shall deem to be just and equitable." He would also observe that it only applied to Florida and the large Territories, where it was thought proper to make some extra allowance The discretion being confined to the Territories, with one exception, it was not worth while to make any change.

The question being taken upon the amendment, it was agreed to.

Mr. BRADBURY moved to amend the 17th section of the bill of the senator from Georgia in order to make it more specific, by striking out after the word "and," section 7, line 6, and inserting the following:

"Lay the same before Congress at the next session thereof."

The section now reads as follows:

SEC. 17. *And be it further enacted*, That the superintendent of the census, under the direction of the Census Board, shall carefully examine, classify, abstract, and arrange the facts obtained by the returns of the enumeration of the inhabitants, and of the statistical information, *and superintend the publication thereof, in such manner as shall be called for by Congress.*

He proposed to strike out the clause relating to the publication, and to insert, in lieu thereof, "lay the same before Congress at the next session thereof." The purpose of this amendment was that there should be no misapprehension in regard to the fact that, as to that portion of the printing, it was to be subject to the future action of Congress. He supposed, by a fair construction of the section, it would not bear a different construction, but still he wished to render it certain and have it clear.

The question being taken upon the amendment, it was agreed to.

Mr. BRADBURY moved to amend the original bill in the same manner, by striking out the words in the 20th section, after "use" in the 18th line, and inserting the words before proposed.

Mr. DAVIS stated that those words had already been struck out upon his own motion.

Mr. BRADBURY modified his motion, so as to add the words: "and lay the same before Congress at the next session thereof."

The question being taken upon the amendment, it was agreed to.

The VICE PRESIDENT stated the question upon the substitution of the bill of the senator from Georgia for the bill reported by the committee, both having been amended.

Mr. UNDERWOOD suggested that by adopting the amendment, as it now stood, it would be without the different changes which had been made in the schedules, because those changes had not been carried into the other bill. He expressed the hope, therefore, that the Senate would not adopt the amendment, but would adhere to the original bill reported by the committee as amended, together with the schedules, in which many and valuable improvements had been made.

Mr. KING made a remark inaudible at the reporter's desk.

Mr. DICKINSON. There is this difference between the bill of the senator from Georgia and the original bill. I moved to strike out from the original bill the words "Secretary of the Interior" wherever they occurred, and the Senate refused to strike them out. In the amendment of the senator from Georgia, the Senate did strike out the words "Secretary of the Interior," and inserted the words "Census Board."

A SENATOR. Move it in the original bill.

Mr. DICKINSON. I cannot, because the Senate has refused to strike it out.

A SENATOR. Move to reconsider.

Mr. DICKINSON. I cannot do that; I voted for it.

Mr. DAVIS. There is another difference. In the original bill yesterday, upon my motion, the Senate struck out four of the tables reported by the committee, and left two of the tables—the agricultural and social. I think those tables are greatly superior to those now proposed to the consideration of the Senate. The first four tables of the Census Board were adopted yesterday, leaving these two tables, which I consider a decided improvement. If the Senate wish to come to a conclusion upon the point settled yesterday—the motion of the senator from New York—although it would not be strictly in order to repeat his motion with regard to the original bill, yet I hope, by common consent, that he will be permitted to submit the motion, and to call the yeas and nays.

Several SENATORS. Agreed.

Mr. DICKINSON accordingly moved that the words "Secretary of the Interior" be stricken out of the original bill, wherever they occurred, and that the words "Census Board" be inserted therefor.

Mr. DAVIS called for the yeas and nays, which would settle the question.

The yeas and nays were ordered.

Mr. KING said he should have no objection to the Secretary of the Interior's having charge of the matter, so far as he personally was concerned. He would just as soon put it into the hands of the Secretary of the Interior as the Secretary of State, the Attorney General, or the Postmaster General, or of any other individual, so far as the discharge of the duties appertaining to the matter were concerned. But he knew very well, as every senator knew, that a proposition was pending to abolish the office of that department. How that would be acted upon, he could not say, but it was known to be pending; and in that state of things, he thought it better not to vest the duties in that officer. He had been originally opposed to that action of the last session. He had believed that the business of the Treasury Department would be retarded rather than facilitated by this movement, and he had gone against it. He still believed it to be unnecessary; and that if we had heads of bureaus properly constituted, competent to discharge the duties, the Treasury Department would go on much better, because the whole would be under the control of one individual, and there would be no such difficulty as we now had, arising from conflicts between different persons; and when these would terminate he knew not. He should vote to strike out, as moved; but he should do so with the intention not to adhere to the Census Board, when the question should come up in the Senate after leaving the committee, because these persons could not get along so well in it, conjointly, as one alone. Although he voted now for the motion, when it should be reported to the Senate, he wished it to be understood that he should propose to institute some single officer instead of a board.

Mr. DICKINSON said that he had no objection to accepting a modification to his motion, if the senator would suggest a proper person. It had been his impression from the beginning, that the creation of the new department was a pernicious measure—an opinion which he had expressed oftener before it was brought into being than he had since. He considered its operation bad. It transferred just enough to make mischief, and left just enough to make confusion. [Laughter.] Instead of simplifying, it produced complication. He should be unwilling to devolve any further business upon it which could be thrown into other channels; and if the senator would move the Secretary of State, he would be gratified with it.

I should be satisfied myself, sir, with the Secretary of the Treasury or the Secretary of State. I have no choice as to the particular officer; but I believe that the duties devolving upon the Attorney General are less onerous than those which are incumbent upon any of the heads of departments. As respects the Secretary of State, I know very well that he has as much upon his hands as it is possible for any man, I care not who he is, properly to perform. I do not care who the man is. I do not wish to be instrumental in devolving upon the Secretary of State duties which I know it will be impossible for him to perform. I move, therefore, to substitute the name of the Attorney General.

Mr. DAYTON. We are now called upon to vote upon a motion to strike out the Secretary of the Interior, and to insert the Attorney General, in lieu of the Census Board, which the amendment first proposed.

Now, the first objection that is made to retaining the Secretary of the Interior—and it seems to me the only objection—is, that by possibility the Department of the Interior may be abolished, and therefore the Senate of the United States is called upon to vote upon the assumption that we shall not continue in being an existing department of the government, and to vote in the face of an existing law, upon the assumption that that law may be repealed at some future time, although it has been solemnly passed, by a majority of both houses of Congress. Why, sir, I think we are to act in this matter upon the assumption that the departments of the government are to remain as they are now as long as they do so exist. And, surely, to what department of government does this matter so properly belong as to this Department of the Interior, and what matter could possibly be more appropriate to this department than all that relates to the business of taking the census? It is the very matter, of all others, which belongs most appropriately to this department, and which is most in accordance with the duties which it was intended to devolve upon that officer and upon that bureau. I submit, therefore, that, in every aspect in which this question can be considered, we should retain this officer for this duty. I have no personal preferences or predilections; but the law creating this department, which I hold in my hand, provides that—

"The Secretary of the Interior shall exercise all the supervisory and appellate powers, now exercised by the Secretary of State in relation to all acts of marshals and others in taking and returning the census of the United States, and shall sign all requisitions for the advance or payment of money out of the treasury on estimates of accounts, subject to the same adjustment or control now exercised over similar estimates and accounts by the Fifth Auditor and First Comptroller of the Treasury."

Well, now, sir, we have a public law upon our statute-book, making it one of the imperative duties of this officer to attend to this very matter, and carry it into effect as one of the very objects for which you established this department of the government. You are now called upon to vote in the face of such an existing law. It seems to me that, in every aspect in which it can be considered, the Secretary of the Interior should be retained. As to substituting the Census Board, it is no organized department of the government; it is not a body having any responsibility in itself nor any permanancy of existence; it is a mere creature of an emergency, created for a particular purpose, and is already *functus officio*.

Well, next, as to substituting the name of the Attorney General. Why, if we were to look over the whole range of duties connected with the several departments of the government, it would be hardly possible to find anything which would not be more congruous to the duties of the Attorney General than to attend to these statistics, to these blanks, and this printing. The Attorney General accepts his office upon the assumption, at least, that he should be charged only with those functions with which that officer has been charged heretofore. I submit that the duties are most appropriate to the Department of the Interior, and that the name of the head of that department should be retained.

Mr. DAVIS, of Massachusetts. Mr. President, my view in making the suggestion to the honorable senator from New York [Mr. DICKINSON] was this: The Senate have had this bill under consideration for several days; they have made various amendments to it; it is greatly improved, and it is my impression that they have made a pretty good bill of it. I want to bring this matter to a close to-day, and there is little time enough to do it in. I am certain that the amendment of the senator from Georgia cannot be got into shape and got through the Senate in season; but this bill, as it now is, can, I think, be matured and passed; and, this bill being matured, if it is the sense of the Senate to change the direction of the business, so as to substitute the name of some other officer for that of the Secretary of the Interior, I desire that it should be done now. I shall not vote to do so, for the reason that this is an organized department of the government. Various duties, from other departments of the government, have been transferred to it, and, among others, these duties relating to the taking of the census specifically. Now, sir, it is manifest that the papers and documents belonging to this business, many of them, must be in the possession of this department. There must be there, also, clerks competent to this business—unquestionably some who have had experience in that very sort of business; and it seems to me that senators could hardly accomplish the object they have in view so well, by transferring these duties to any other quarter whatsoever. And now, sir, in regard to the officer himself: he is a gentleman who has long served in this body, and has been long and favorably known to the country. Whether he is personally not acceptable to gentlemen, I do not know; but there have been no personal objections to him stated, either as regards his competency or his fidelity. I have no doubt that the business would be best confided to this department, which was especially intended at its creation by Congress to have charge of it; and that greater despatch and accuracy would be introduced into every branch of the business by sending it there, than by throwing it upon any other department or individual.

Mr. BUTLER. I must be permitted to say a word. I stand almost alone among my friends around me in relation to the question now under discussion. I find that the important duties relating to the census have been already assigned by law to the Secretary of the Interior, and I believe that he is in the best condition to discharge them promptly and properly. But it is said that the department is useless, and that there is a probability that it may be abolished. Well, now, I obviate all difficulties on that head by this simple process of reasoning: If the department is abolished, and its duties are transferred to other bureaus, why, then, these particular duties will be transferred along with them. I cannot see, therefore, why there should be so much anxiety on that subject, or such urgency to keep this business out of the department at this time, when it is still in existence, and in a better condition to do the business than any other department.

Again, sir, if we intend to maintain the integrity of the different departments of the government, we should certainly look at the congruity of the kinds of business which we assign to each department. Nothing could be more incongruous than to send this matter to the hands of the Attorney General. The taking of the census is a temporary and casual thing, and I see no propriety in creating a kind of subordinate department in the form of a Census Board, especially when there is a department expressly adapted to this species of labor. I shall vote alone, as respects my friends around me, but I must continue to vote against such a change as is proposed. I cannot understand the anxiety that seems to be manifested to take this matter away from the Department of the Interior.

The VICE PRESIDENT. The question is on the motion of the senator from Alabama, [Mr. KING,] to substitute the Attorney General for the Secretary of the Interior.

Mr. KING. The change proposed by me was accepted by the senator from New York [Mr. DICKINSON] as a modification. So that the question is on his amendment so modified.

The VICE PRESIDENT stated the question accordingly.

Mr. DOWNS. It does not seem to me appropriate to assign these duties to the Attorney General. He has not the proper clerks or arrangements for the performance of the duties, and the duties themselves are incongruous with his other functions. I should prefer the Secretary of State.

Mr. KING. I withdraw the motion, if the senator from New York assents.

Mr. CHASE. I wish to say a word, by way of giving the reason for the vote that I shall give. I should prefer the Census Board to the Secretary of the Interior, but not the Attorney General, who seems to me entirely an improper person to have charge of this business. I shall, therefore, as the motion now stands, vote against the substitution in the proposed amendment.

Mr. BADGER. I desire to say one word, founded upon an observation of the senator from South Carolina. I do not see, nor can I imagine, any reason why the Senate should strike out of this bill the Secretary of the Interior, and insert Secretary of State. As it has been said by the senator from South Carolina, and well said, no matter in what form this bill shall pass, if Congress at this session shall abolish the Department of the Interior, that act of abolition will of course tend to a transfer and devolution of all the affairs of that department upon some other department of the government. Now, sir, suppose Congress should pass an act to repeal the Department of the Interior, then how will our legislation stand? Here we shall have a law upon our statute-book creating this department and expressly commissioning to it the superintendence of the census business—a business perfectly germane to that department, if it is to exist, and appropriate to no other department of the government while that department is in existence; and yet we shall have, in opposition to that, a law passed for taking the census, which directs that that very duty—the leading and immediate duty, as far as the present crisis is concerned, still left in existence—shall be transferred to the Secretary of State, of whom my friend from Alabama has said that he has now as much business as he or any other man, whatever his capacity or industry may be, can discharge with satisfaction to himself and the government. It seems to me far better to leave the bill as it now stands; and if the bill should pass for abolishing the Department of the Interior, of course that will transfer all its duties—and this among the rest, together with the corps of clerks who are conversant with it and able to give it attention—to some other department.

The question being taken on the motion to strike out the Secretary of the Interior, and insert Secretary of State, it was not agreed to, on a division—ayes 20, noes 23.

The question recurring on the amendment of the senator from Georgia, [Mr. DAWSON,] substituting another bill for that reported by the census committee, as amended—

Mr. DICKINSON called for the yeas and nays; which were ordered, and, being taken, resulted—yeas 11, nays 33—as follows:

YEAS—Messrs Atchison, Chase, Dickinson, Downs, Hale, Hunter, King, Mason, Morton, Rusk, and Turney—11

NAYS—Messrs Badger, Baldwin, Bell, Benton, Bradbury, Bright, Butler, Clarke, Clay, Clemens, Cooper, Corwin, Davis of Massachusetts, Dayton, Dodge of Iowa, Dodge of Wisconsin, Douglas, Felch, Greene, Hamlin, Jones, Mangum, Miller, Norris, Pearce, Phelps, Seward, Shields, Smith, Spruance, Underwood, Wales, and Walker—33.

So the amendment was rejected.

No further amendment being offered, the bill and amendments were reported to the Senate.

The question being stated upon concurring in the amendments,

Mr. KING wished to know whether the amendment that had been made to the bill of the gentleman from Georgia was also made to the schedule of the bill now under consideration?

Mr. DAVIS. The amendment made by the senator from Indiana [Mr. WHITCOMB] was the only one, I believe, that was to apply to the bill as it now stands.

Mr. KING. Then I am to understand that the amendment made to the schedule applied to the bill now under consideration?

Several SENATORS. Yes, sir.

The question being then taken on the amendments, they were concurred in.

The bill was then ordered to be engrossed for a third reading, and was subsequently read a third time by unanimous consent, and passed.

On motion by Mr. DICKINSON, the Senate proceeded to the consideration of executive business; and, after some time so spent, the doors were reopened, and

The Senate adjourned.

THURSDAY, APRIL 11, 1850.

SENATE.

THE SEVENTH CENSUS.

Mr. DAVIS, of Massachusetts. Mr. President, I wish to call the attention of the Senate for a moment to a matter touching the bill that was passed yesterday. In the course of the proceedings of yesterday upon the census bill, the Senate deemed it expedient—and it was right so to do—to strike out the word "October," and insert the word "November," in the section requiring that the marshals shall make their returns, as it now reads, by the first of November. The bill originally required that the returns, both by the marshals and deputy marshals, should be made by the first of October.

In the 20th section of the bill, which enumerates the duties of the Secretary, it makes it his duty, among other things, to see also that the marshals and assistants shall make their completed returns of their respective doings at the earliest day before the first October next. Now, this makes it difficult, as the marshals are required to make their returns by the first of November, while the Secretary is required to see that they are made by the first of October. The phraseology ought, therefore, to be changed to this: "That the marshals and deputy marshals be required to make the returns of their respective duties completed at the time herein prescribed;" and that substituted for what there now is in the bill—that the returns be made at the earliest possible day before the first of October. Thinking that it was the intention of the Senate to conform all the provisions of the bill to this amendment, I brought it in here that I might have the consent of the Senate to make that change in the phraseology.

By unanimous consent, the change of phraseology suggested was ordered.

MEMORIALS AND PETITIONS.

Mr. HAMLIN presented a petition from citizens of Waldo, in the State of Maine, asking a reduction of the rates of postage to two cents on all letters prepaid, that do not exceed half an ounce in weight; which was referred to the Committee on the Post Office and Post Roads.

Mr. BRIGHT presented the memorial of John Ketcham, and eighty-four other citizens of Indiana, who were officers and soldiers in the last war with Great Britain, asking bounty land for their services.

Mr. DAVIS, of Mississippi, presented the following memorial of the legislature of Mississippi:

Whereas it is represented to this legislature that sundry officers and soldiers of the war of 1812 are now citizens of this Commonwealth; and whereas the State of Mississippi recognises the validity of their title to the gratitude of posterity, and (as one of the confederacy to the success of whose arms they contributed) claims her proportionate share of the national glory acquired by the brilliant achievements in which they participated; and whereas, also, it is manifestly unjust that their valor and good conduct should be forgotten and go unrewarded in the enthusiasm excited by more recent but not more meritorious services: therefore,

Be it resolved by the legislature of the State of Mississippi, That our senators in Congress be instructed, and our representatives requested, to use their influence in obtaining, during the present session of the Congress of the United States, the passage of a law extending the provisions of the act of 1848, granting land or scrip to the volunteer soldiers of the late war with Mexico, to the officers and soldiers of the war of 1812.

And be it further resolved, That, inasmuch as this is a subject in which a majority if not all of the States are concerned, the governor of this State be, and he is hereby, requested to transmit a copy of this memorial and resolutions to the governors of all the States in the Union, and through them to the several legislatures, with the respectful recommendation that they take such action in the premises as to them may seem best.

And be it further resolved, That copies of this memorial and resolutions be sent to our senators and representatives in Congress, with the request that they introduce the same into their respective branches as soon as may be practicable, together with such bill or bills as they may deem necessary to carry out the wishes of this legislature.

JOHN J. McRAE,
Speaker of the House of Representatives.
JOHN J. GUION,
President of the Senate, *pro tem.*

Approved March 9, 1850.
JOHN A. QUITMAN.

The memorial was ordered to be printed, and referred to the Committee on Military Affairs.

Mr. D. also presented a memorial from Brevet Col. J. K. F. Mansfield, of the United States engineers, asking the action of Congress for the settlement of his public accounts, as disbursing agent of the government, while superintending the construction of certain public works; which was referred to the Committee on Military Affairs.

Mr. D. also presented a petition of citizens of the State of Mississippi, remonstrating against the further extension of Woodworth's patent for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Mr. PEARCE submitted additional documents relating to the claim of James Wilson, surviving partner of William Wilson & Sons.

LEGISLATURE OF MICHIGAN AND THE PROVISO.

Mr. CASS presented the following joint resolutions passed by the legislature of Michigan:

Joint resolutions relating to the Union.

Whereas the people of this State are opposed to the extension of slavery, but believe that a crisis in our national affairs has arrived, which demands an expression of their deep, devoted, and unalterable attachment to the Union, and their fixed determination, in a spirit of mutual forbearance and moderation, to guard by all means against the dangers at present, in the opinion of many, threatening its integrity; and whereas they believe that our senators in Congress ought to be left free to act as their judgment may dictate, on all questions that may arise in any way affecting the stability and permanency of the federal compact: Therefore,

Be it resolved by the senate and house of representatives of the State of Michigan, That, in the opinion of this legislature, the people of this State most heartily approve of the noble and patriotic stand taken in the Senate of the United States by those distinguished statesmen who, representing the various sections and different feelings of our common country, have united their efforts to preserve the Union "ONE AND IND VISIBLE."

And be it further resolved, That, in the opinion of this legislature, it is the duty of our senators in Congress, and they are hereby requested, to retain their places in our national councils, which they have heretofore filled with such signal prudence and distinguished ability; and they are here