dent, except by and with the advice and consent of the Senate."

Mr. BELL. I do not rise, sir, for the purpose of detaining the Senate by entering further into this discussion, but merely to state to the honorable senator from Maine, [Mr. BRADBURY,] that I do not admit that he has corrected me, in my recollection of the principle decided in 1789. The question then made was, whether the President had the absolute right, uncontrolled by Congress, to remove all civil officers, whose appoinment should be vested in him by law, and the decision was that he had such right under the constitution. The particular question whether the Senate should be consulted in making removals from office was not raised, but the decision of Congress then made was, in principle, a denial of the right of the Senate to be consulted. The question now presented is not whether the President may not remove all civil officers appointed by him, but whether this power of removal is so absolute as to admit of no legal restraint or limitation by law. The proposition in this case is to control and limit the discretion of the President in the exercise of the power of removal. The propriety of imposing some restriction upon the discretionary power of the President in regard to the offices proposed to be established by the bill before the Senate is sufficiently manifest. But I take a deeper interest in the present question, on the ground of the proposed assertion of the power of Congress to regulate removals from office by law. Though this will be but a small innovation upon the doctrine heretofore held upon this subject, yet I regard any advance whatever to a sounder view of the power of the Executive of the greatest importance; and though what we may now do will be in opposition to the decision of an early period of the government, yet this is one of the things that, in my opinion, should have no particular sanctity attached to it on account of its antiquity. I think the early decision was founded in error, and that it has been felt to be so at every recurrence of a new administration in the last thirty years; and I believe I may say, the greatest minds that have adorned this Senate, with few exceptions, have held that opinion, but they never have been able to control a majority in either branch of Congress, and have therefore failed of success in all their efforts to impose any checks, through the legislative department of the government, upon the absolute, arbitrary will of the President in relation to this subject. Now, sir, this will be a control in this particular case. It will be a most happy initiative proceeding upon the part of Congress, and I desire to express the hope that we shall carry this policy of restriction out in future. The honorable senator from Maine [Mr. BRADBURY] has expressed some fears lest, by proceeding incautiously upon this subject, we should unsettle some well-established principle of government. Whatever provision we may insert in this bill will leave the mass of public officers unaffected by it, if that is what the honorable senator is disturbed about.

Mr. BRADBURY, (in his seat.) Not at all.

Mr. BELL. I do not know, then, why the senator feels so great a solicitude in regard to the principle established in 1789. Sir, it is now proposed to control the President in no case, except in regard to the removal of those particular functionaries, leaving all other civil offices at the absolute and discretionary disposal of the incoming President, after the next presidential election. I trust, however, that by that time the honorable senator will be found uniting with his brother senators in prescribing bounds to this arbitrary discretion in any incoming President in future. I only regard the proposition now made important as establishing a principle; and that principle is, that whenever Congress shall hereafter think proper to interfere in the same manner, in regard to any particular grade or portion of the officers of the country, not judicial, it will have the power to interpose; and whether Congress will assert the power I shall trust to the future.

Mr. FOOTE. I simply rise, Mr. President, in aid of the suggestion of the senator from Maine, [Mr. BRADBURY,] and to unite with him in protesting against the rash and hasty decision of a grave and important question in the mode proposed by the honorable senator from Tennessee, [Mr. BELL.] I am unwilling to treat a question of such importance so slightingly, and to award at once an authoritative decision upon it, as so warmly urged by the gentleman from Tennessee. I understood him to say distinctly, in his first remarks, that if we sanction this amendment, and it should receive the approbation of the House of Representatives, he should look upon it as an authoritative declaration of principle by the two houses of Congress in opposition to former precedents. This is a great undertaking, a serious matter indeed, thus to settle a question which divided public sentiment so seriously in 1789, and which has much divided public sentiment ever since. I repeat that I am unwilling, in connexion with a bill like this, or in any very hasty manner, to bring on the settlement of this question. I shall be willing, at a proper time, to go into an examination of the subject in all its bearings, as a general question of great public moment, calmly and deliberately to be considered and acted upon, and with something of composed dignity.

Mr. BELL. Upon what more important bill would the senator from Mississippi decide this question?

Mr. FOOTE. I would say a bill for the purpose of effecting a general settlement of the whole question, in application to all officers throughout the country, in connexion with which we could adopt such a provision without a transcension of our constitutional powers. This is a special bill, and I am not willing, for one, thus hastily, and without due examination and thorough argument, to go into a settlement of the question alluded to. I am unwilling to render a decision now, and upon the bill before us, if it is to have the permanent effect described by the honorable senator from Tennessee. I beg leave to suggest that the honorable senator seems to have fallen into great error in other respects. It is true that these officers are to have certain judicial functions; but, strictly speaking, they are not judicial officers. They are accounting officers—auditors; and their decision is in but few cases, if any, to be final. Now, how they can be considered judicial officers, in the sense in which the senator from Tennessee appears to understand it, I cannot conceive.

Permit me to observe that I am not surprised at the zeal which the honorable senator has manifested on the present occasion. I think that the exhibition which he has given us this morning of his desire to effectuate a great scheme of reform such as he has delineated is not only natural and becoming, but decidedly praiseworthy. He seems to me, in urging this plan of reform upon us, to rise far above all mere party considerations. I give him credit for great elevation of purpose and purity of motives. I know it must have cost him a severe struggle to meet this very delicate question so boldly as he has met it; because his speech seems clearly to imply that he has very recently discovered that the power of the Executive, in connexion with official displacement, may be most awfully abused—that the most serious mischiefs may arise, and have already arisen, from the practice of proscription on the part of the Executive.

The senator from Tennessee, although he is distinguished for many things highly honorable to him, not having been distinguished, so far as I have learned, on any former occasion, by such zeal as he has manifested at the present time; not having even made before, at least in this body, a solemn declaration of his opinion, that any such alteration in the action of the government should be effected as he now recommends, I feel authorized to take it for granted that he, in common with many other patriotic individuals, has experienced disgust at the manner in which this branch of executive power has been put in exercise of late. I say again, that I award him great credit for this implied admission. It required much moral courage thus to make known his views to the country. It is a manly confession of delinquency, which I hope will have its effect elsewhere; and I trust this rebuke will be efficient in the work of reform in the right quarter.

Gentlemen in high places, intrusted with authority by the people, will now understand that they cannot pursue such a course as has been pursued in this country for the last twelve months, however distinguished they may be for patriotism, however worthy of admiration as men, however exalted their intellectual powers, without incurring censure from all good men of all parties. They will understand that they cannot pursue this course without calling forth the language of indignation and rebuke, not only from their political opponents, but even from their high-minded supporters. The speech of the senator from Tennessee, this morning, I hold to be a most salutary and treasonable warning. I hope it will be listened to. I thank him for that speech; I hope the American people will thank him for the admission which he has made; and I trust that he will unite with myself and others in endeavoring to effect the reforms which his speech appears to indicate as being so essentially requisite to the welfare of the country and the honor of our free institutions.

Mr. HALE obtained the floor, but gave way to

Mr. BELL. I fear that my friend, the senator from Mississippi, [Mr. FOOTE,] will not think so well of me after I shall have made an explanation of my views in reply to his remarks; for I certainly am not entitled to his gratitude in the slightest respect, nor in any degree to his admiration. Indeed, if the honorable senator had heard me the other day when I gave my views upon this subject, he would have heard me express the opinion that there had been no proscription under the present administration, so far as I had inquired, or so far as I know. It was my opinion that the arbitrary and absolute power of the Executive over the public officers of the country had not been clearly manifested, so far as I had heard or had been informed, in any single case. Still, I admitted that there might have been some cases of the kind, where the President had acted under a mistake of existing facts, or where he might have been imposed upon, and misled by false allegations. We have heard of many such cases in the past administrations of the government. I have no doubt that such cases have arisen in the present administration; and we shall hear of them under every administration that ever will exist in our day, particularly at the commencement of an administration. But the senator from Mississippi seems to think that the President has acted upon the principle of proscription for opinion's sake; and if we both understand the term "proscription," in the same sense, we differ totally in regard to the acts of the present administration. I say it is not proscription to remove any public officer for what has been held heretofore to be good and sufficient cause by such men as Jefferson and some of his successors. I understand that General Taylor has not proceeded in any of his acts upon the ground that he had the power, or, if he had the power, that he held it proper or expedient, or that he thought it his duty, or that it was conformable to sound republican principles, to execute that power by removing any one officer from his station upon the ground of a mere difference of political opinion. I do not know of any such case, although, as I said the other day, I have made diligent inquiry. I ascertained that there were some two or three cases in which I could not see distinctly the ground or the principle upon which the President had proceeded. But I do not wish to pursue this subject further in the discussion of this bill.

The honorable senator seems to think that this is a new subject with me, a new principle, for the fist time advocated by me, as a member of Congress. I can tell the honorable senator that, though my course has been humble, and not attracting the attention of the country, so much as that of more distinguished gentlemen who have occupied seats in this or in the other branch of Congress, I have devoted, for five or six years, a large portion of my time to the investigation of this subject; and while there was a ray of hope in either branch of the national legislature of bringing the majority to a proper sense of what I considered the true principle of the constitution—of what I considered the essential policy of the country in preserving the purity of the elective franchise, order, and the permanent stability of this government—I persevered in attempting to enforce the same principles for which I have contended to-day. I repeat, sir, that for six years a very large portion of my time, as a member of the other House, was devoted to this subject, in the investigation of these principles, and in endeavoring to press upon that body the necessity of adopting some measure that would serve to remedy the evils of the uncontrolled power, claimed for the President, to remove at his discretion, without any assignment of cause, and particularly without any cause at all, other than a difference of political opinion. But, with regard to this question, I must say that it is not a proper subject for consideration at this time, and I forbear.

One remark more. When it is proposed to establish a board which shall have the control over millions of dollars annually, standing in the place of an accountant general of all claims of the United States, not in terms in the last resort truly, but as I understand the provisions of the bill, in its practical effect, deciding in the last resort; for after such a board as we propose to constitute shall have passed upon a case, it will be a very extraordinary case, indeed, in which the Senate or the Congress of the United States shall undertake to review or to overrule its decision—when it is proposed to establish such a board, I repeat, what more important occasion can come up, what more important measure can there arise for the assertion of the power of Congress over this absolute and uncontrolled power claimed for the President in removing incumbents from office?

I will barely state, sir, while I am up, that this bill, although a favorite measure with me, and has been for many years, and one which if it is impossible to perfect now we shall be able to amend hereafter—one which I consider of the greatest importance—yet, sir, my interest in it and my vote will depend very much upon the term of office prescribed for the members of the board, and upon the principle which Congress shall establish in relation to the power of the Executive over them. Men are not to be seduced to leave their homes, to make their arrangements, and take up their residence at Washington for a period of three, or four, or five, or six years. I doubt whether any man of competent ability and other essential qualifications, throughout the whole country, can be got to come to Washington, and take upon himself the discharge of the highly responsible duties of the office proposed to be created by this bill, to be removed at the pleasure of the President, and to feel all the time that his office is to be held subject to the changing interest or caprice of party and faction.

If, sir, these officers are to be subject to the temptation of conforming their decisions and principles to the behests of party, or of changing them from time to time, according to the changing tides and fortunes of party, then I shall be strongly inclined to oppose the whole scheme.

Mr. FOOTE. The senator from Tennessee has done me serious injustice in supposing that I had designed to accuse the administration of having practised proscription. Whatever may be true upon this point, I have not designed to press any such accusation in a regular way myself upon this occasion. I have endeavored to avoid, as far as possible, the presentation of any distinct charges of a dishonoring character against the administration. I have repeatedly declared, and have acted on that declaration, that it was the bounden duty of all of us here to exhibit nothing like a factious opposition to the administration; but to give it a fair opportunity, in the exercise of its legitimate powers, of maturing and carrying into execution such measures of policy as might, in their judgment, be best calculated to promote the happiness of the whole country, as well in regard to its domestic or its foreign concerns. I certainly misconceived the senator from Tennessee most grievously, since I did understand him as evincing in his speech, just now delivered in our hearing, a zeal seldom manifested in the discussions of this body, in connexion with a grand scheme of reform, of which he has become the earnest champion, and really supposed that his zeal had been engendered chiefly by recent occurrences. The senator will at least permit me to say that, although he now only reannounces one of the constituent portions of a political creed of which, as he informs us, he was for six years an advocate elsewhere, and at quite an early period of his public life, yet that it is nevertheless true that he has been for some years past quite silent on the subject. So far as I have been able to learn, this is the first development of his views here, however faithfully retained by him, and at one time warmly expressed in the other wing of this Capitol. Now, inasmuch as he has been here for three years past, and has been thus far perfectly silent upon this topic, was I not authorized, to some extent, to draw the conclusion that he, like some others, has seen something in recent proceedings of the government touching the displacement of officers which appeals to him as a patriot, as we all believe him to be, to seek the earliest opportunity of making his opinions known to the public, and especially to those in power, with a view to bringing to a close those scenes of proscription which have caused so many patriotic hearts to swell with indignation, and awakened serious apprehensions as to the permanency of our free institutions.

If I have run into any error in regard to this matter, I regret the fact most deeply. If I erred in supposing that the senator from Tennessee, earnest as he was in his language just now, has seen nothing in the present transactions of the government to incite him to increased zeal, and to prompt that fervid appeal to which we have listened with so much pleasure upon this occasion, I am sure that what I have said was at least not at all calculated to disparage him in public estimation. The honorable senator complains in one breath of abuses, crying abuses, and enormous evils, which he says exist, and need at once the hand of reform, and in the next be virtually, at least, says that, on looking over the condition of things in the country, he sees no such evils at all, and insists that none such exist. If no instance of proscription has occurred under this administration, I feel authorized to assert that there is no earthly need of that plan of reform which the senator has been so warmly advocating this morning; because it is certain that proscription can never yet have occurred in the whole history of the government. One proposition, I venture to presume, that neither the senator from Tennessee nor any other senator will venture to dispute; and that is, that a much larger number of expulsions from office have taken place under this administration, for some cause or for no cause whatever, than ever occurred under any other, and perhaps I might say than all others put together; therefore, if there has been no abuse of the power of displacement practised under this administration, it would appear that no such evil as proscription for opinion's sake has ever arisen among us, to call for that remedial interposition which the honorable senator from Tennessee has so vehemently invoked on this occasion. To legislate for the suppression of an evil which has never yet had a real existence, seems to me to be visionary and fanciful in the extreme; nor am I willing to do so even under the seductive persuasion of the honorable senator from Tennessee.

Now, I say again, I do not charge the administration with having produced proscription. I have not accused or denounced those in power in connexion with this matter. I am very willing to postpone censure on this head until I find out those facts, and which it seems the senator from Tennessee has been able already to obtain knowledge of, in connexion with the various instances of official displacement which have occurred. I shall pursue a quiet course on this subject; and when we do obtain the proper information in regard to it, I am prepared to do justice to all concerned. But I have this remark to make: If the senator from Tennessee has actually found out and ascertained that there has been no proscription for opinion's sake under this administration—a statement which now I do not care about denying, because it would be ungracious to do so in the face of the positive averment of the senator to that effect; if he has thoroughly examined the subject, and has clearly ascertained that not a single instance of proscription for opinion's sake has yet occurred, and such multiplied cases of official unworthiness have been found out, then I have to say that we must have sadly degenerated from the purity of former generations, and have become the most profligate, the most corrupt, and the most degraded people the world ever saw. If all these instances of expulsion from public office, so multiplied as to raise a feeling of universal indignation throughout the land, have arisen in consequence of official unworthiness, than I repeat we have become the most corrupt, abandoned, profligate, and degraded people the God of Heaven ever permitted to enjoy the blessings of civil and religious liberty. I do not at present deny this to be our deplorable condition; but I do not make issue with the honorable senator who has given utterance to the surprising declaration, simply on account of the high personal respect I entertain for him, and my unwillingness to deny positively the existence of a state of facts in belief of which he has so formally avouched. Let me beseech him, though, if he knows where adequate and satisfactory information on this very painful subject can be obtained, that he will use his best exertions to have it forthcoming, for the benefit of us all, and with a view to the effectual vindication of those in power against one of the most serious accusations that has yet been preferred against them. It is, indeed, important to the honor of the nation that this charge, if unjustly preferred, should be met and put down by irrefutable testimony. It is important to the character and popularity of those in power, that all the mystery which has heretofore enveloped this subject should be dissipated by the production of the actual facts of the case. Let us have them at once, and let the public mind be relieved from the gross error in which it has become involved in regard to the conduct of the President and his official advisers touching removals from office. A very different opinion from that avowed by the honorable senator from Tennessee, I can assure him, prevails upon this subject in the country generally. I believe that at this time 99-100ths of our people, whigs and democrats, if such a state of facts exist as the senator from Tennessee asserts to be the case, are in a state of most unfortunate delusion in regard to them. The sound-thinking portion of our citizens, at the present time, do generally indulge the belief that the most sweeping expulsion from office for opinion's sake has occurred under this administration.

I regret the broad declaration of the honorable senator on this head, for special reasons. I do not profess to have looked into the whole subject with minute and scrutinizing diligence; but some cases have come under my own observation, in connexion with which I undertake to say to the senator from Tennessee (without designing to indulge in any special denunciation of the President or of the cabinet at all) that, if some individuals, with whose merits I am well acquainted, have not been expelled from office for opinion's sake, the President and his cabinet must have been more egregiously imposed on and deceived than were ever any set of men before in all Christendom; because it is undeniably true that worthy officers have been turned out of office in the State which I in part represent, known to the whole country to be as high-minded, capable, and patriotic as any men in the republic. Yes, sir; men who have nobly shed their blood in defence of the country—men who fought with Jackson at New Orleans, and who fought with him in his Indian battles—have been fated to suffer expulsion apparently without fault, and without even suspicion of delinquency—one venerable personage in my own State I know well, and who is doubtless well known to the honorable senator from Tennessee olso. I allude to Gen. Rayburn, late marshal of the northern judicial district of the State of Mississippi. This gentleman served, if I mistake not, most honorably in the legislative councils of the State of Tennessee for several years; he was for many years a member of the Mississippi senate; he signalized his patriotic valor in some dozen battles of the late war with Great Britain; his character is spotless; his official fidelity and competency were beyond doubt or denial; and yet he is one of the multitudinous list of proscribed officers, none of whom the senator from Tennessee insists were dismissed from public employment except upon official grounds. I might go into a pretty extensive citation of instances of the same kind in the State of Mississippi and the adjoining States, were I willing to weary the Senate, and seriously inclined to hot controversy with my friend from Tennessee. But I forbear, and will only remind him of a single case besides, which fortunately belongs to his own State, and he is therefore bound to know all the particulars connected with it. Let me ask him what he thinks of the displacement of General Armstrong, our late excellent consul to Liverpool? Was he dismissed, too, for some other cause besides his being a democrat? What grievous crime had he committed? What want of qualification had he displayed? Who doubts his love of country—of that man who fought side by side with Jackson in battle, enjoyed his confidence and friendship for forty years of his glorious life, and praises of whom were upon the lips of the dying Hero of the Hermitage during his last moments? General Armstrong was displaced to make way for a young gentleman of whom I shall say nothing in disparagement; but I will mention that he is the son of a distinguished personage, for whom we all entertain high personal respect, and who did more to secure the election of General Taylor to the presidency than any ten men in the republic beside. Was this not a case of proscription? Was this not a case of displacement for opinion's sake, and of appointment in requital of political support? I should really be pleased to hear how the honorable senator from Tennessee explains this, and a thousand other cases equally striking which could be cited without trouble.

Mr. President, the honorable senator from Tennessee, by yielding the authority of his name to the assertion so often made by others, that no proscription for opinion's sake has taken place under this administration, has, I apprehend, done serious injustice to a numerous and most meritorious class of his countrymen, whose misfortune it is to have been expelled from places of public trust, without any known allegation of official demerit of any kind. This denial to-day, that any of these men were dismissed on account of their political opinions, necessarily raises an implication of official unworthiness against them all which cannot but operate most injuriously. Let me invoke him at least to unite with us in securing to them, each and all, an opportunity of defending themselves against this most injurious implication. Let me urge upon him the justice of co-operating with us in bringing all the facts connected with these cases of official displacement at once to light, by the adoption of the resolution some time since introduced by the honorable senator from Maine, [Mr. BRADBURY,] and which is now awaiting our action, and which respectfully calls upon the President for full information upon this whole subject.

Mr. BELL arose to reply, but yielded the floor to his colleague,

Mr. TURNEY, who said: Mr. President, I had not intended to take any part in this particular debate. I feel it to be my duty, however, since this question has arisen, to defend the reputation of one or two persons who have been proscribed in the State from which I come. I was not present, some days ago, when my colleague [Mr. BELL] made his speech upon the policy of the present administration, or I should have replied at the time to his remarks, which I think were much stronger in exculpation of the Executive than a fair exhibition of the facts will warrant. I think, sir, that, in relation to some of the men who have been removed from office in my State, my colleague himself will admit that they are every way qualified to fill the offices which they occupied; that they are honest, vigilant, capable, and worthy men. I would select, as an example of such men, a gentleman who resides, I think, in the same town with my colleague—Gen. Jesse B. Clemens—who was removed at an early day from the office of marshal of the middle district of Tennessee. I introduced a resolution some time since calling upon the department for copies of all papers now upon file which have not yet been acted upon. If we could have access to those papers, I am confident that he could not be affected in his reputation by any imputations which are now impliedly cast upon him by the President himself or his cabinet. This is an officer that was never before proscribed. It is the first time in the history of the State in which the marshal of middle Tennessee has been removed. After General Taylor was elected and got into office, the two judges of the federal court, the district judge and the circuit judge, united in a strong letter to the department to retain this gentleman in the office. The district judge, as my colleague knows, is as strong and decided a whig as there is to be found in the State of Tennessee, and a gentleman in every sense of the word. There is not a more decided gentleman in his political opinions than Judge Brown. In addition to this, he had the recommendation of three judges of the State; two of the three were whigs. They set forth the character of the incumbent, advanced his qualifications, his honesty, and standing in the community, and asked his continuance in the office. And in addition to all this, he had the strong recommendation of the chancellor of the court, who is also a whig, and of the circuit court, another whig. He had, I believe, the undivided recommendation of the bar at Nashville, two-thirds of whom were whigs. He had, sir, in addition to all this, the voluntary recommendations of the grand and petit juries at Nashville. All these papers are now on file, or were on file at the department at the time of his removal; and if my colleague, as his speech would seem to imply, thinks that this man ought to have been removed upon charges, I think that he is about the only person to be found in that section of the country who entertains the same opinion.

In addition to this, there was a letter written by Mr. Prior, a whig elector for that district, a gentleman of high character and standing, and a lawyer practising in the federal court at Nashville, who has for many years been acquainted with Mr. Clemens. The letter was written to the department here, strongly soliciting the continuance in office of Mr. Clemens, and that letter is on file. In addition to that, after Mr. Clemens's removal, Mr. Prior addressed another letter in answer to one addressed to him, which I will ask the Clerk to read.

Mr. PHELPS. I rise to a point of order, and it is simply this: Whether, upon the discussion upon this bill for the establishment of a judicial board, it is in order to discuss the question of the removal of individuals from office by the President?

The PRESIDING OFFICER. Does the senator make the question of order?

Mr. BELL. I hope my colleague may be permitted to go on. I believe he intends to occupy but a very few moments.

Mr. DAWSON. I would like to make one observation upon the question of order.

The PRESIDING OFFICER. The question of order being raised, the Chair must decide it without debate. It is the opinion of the Chair that the debate should be confined to the question involved in this amendment; which is, whether the President shall have no power to remove those persons appointed to office under the bill; but to go into a general discussion as to the exercise of the power of the President, in regard to the removal of particular individuals, is not, in the opinion of the Chair, in accordance with the range of debate which should be allowed upon the question; and, though the senators from Mississippi and Tennessee have, thus far, taken a wider scope than would be allowable, the Chair feels bound, the question of order being raised, to make this decision.

Mr. BELL hoped the senator would give way, that the debate might go on. He wished to say a word in reply to his friend from Mississippi, and he hoped the discussion would be allowed to go on. He would say that he concurred in what his colleague had said in regard to the merits of the question.

The PRESIDING OFFICER. The Chair has decided the question of order, and, if it is desired, an appeal can be taken from that decision.

Mr. BELL. I wanted to say a word in reply to the senator from Mississippi.

The PRESIDING OFFICER called the senator to order.

Mr. TURNEY, (continuing.) I suppose I am in order, then, in——

Mr. FOOTE. If my friend will give way, I will merely suggest—but I do not know whether it would be in order to do so. If the Chair has decided that this discussion is not in order, I will not raise any objection to the decision of the Chair.

The PRESIDING OFFICER. The Chair has decided the question of order. The senator from Tennessee can proceed with the debate, confining himself to the matter under discussion; which is, the power of the President to remove, for incapacity, any one of the officers to be appointed by this bill.

Mr. TURNEY. Then I am not permitted, if I understand the Chair, to speak of any individual case of removal from office. I will then postpone my remarks upon this topic until another time, when the resolution of the senator from Maine shall again come up for consideration.

I will, however, submit a very few words to the Senate, giving the reasons why I shall vote against the proposition to amend this bill. I am not one of those who entertain the opinion—although this power of removal has been greatly abused; as much so under the present, as under any former administration, and, I doubt not, abused under democratic administrations, too; for I consider all cases of removal for mere opinion's sake an abuse of power—that it ought to be taken away. I do not hesitate to express the opinion, that there has not been a removal in the State of Tennessee but what was an abuse of power. Notwithstanding this is a power that may be thus abused, I hold that it is a sound conservative power, and one that ought to exist.

Now, Mr. President, these officers are to be nothing more nor less than auditors. They exercise controlling influence over every auditor of the treasury, and that, too, upon the most delicate cases; for an appeal is never to be taken under this bill, where the auditor of the treasury orders a claim to be paid, but only where he has rejected a claim. You then take an appeal from the auditor to this board, and upon their revising the claim, they have the power to issue a requisition upon the treasurer, and, having reversed the decision of the auditor, they can draw upon the treasury for the money.

Mr. HUNTER. If the senator will allow me, I will correct his misapprehension in regard to this provision of the bill. The board are to decide such cases of appeal as may be referred to them by the special order of the Secretary of the Treasury. The senator seems to be under the impression that an appeal can only be taken by the claimant, whereas it can also be done by the head of the department.

Mr. TURNEY. I was, then, very little mistaken; for the Secretary of the Treasury Department would never make a reference unless the auditor was in great doubt about paying it: in other words, he would never make this reference to the board unless the auditor had given his decision adverse to the claim. When that is done, the party claiming would apply to the Secretary for the opinion of the Attorney General, whose opinion and decision is final upon that application. So here, under this bill, where the auditor finds the claim to be a just one, he allows him to pay it. He never thinks of applying to the Secretary for the purpose of having it transferred to this body. It is not to be supposed that all the claims are to be reaudited and re-examined by this board. They would not have the power nor the time to do it. It is under such doubtful cases, where the auditor cannot see his way clearly, or where he feels that a preponderance of testimony would be adverse to the claim, that it would ever find its way into this board; and I am correct, then, in supposing that the decision of this board would be final, and that upon the warrant of this board money would be taken out of the treasury.

Now, sir, for one, I am unwilling—although this power of removal, as I have admitted, has been greatly abused, and, perhaps, will continue to be abused as long as government exists—thus to expose and jeopard the treasury itself for the sake of striking at the abuse of the power. I will illustrate. Here is your board; and, if you please, they are allowing every claim brought before them by an appeal of the party himself, or by the reference of the Secretary of the Treasury. They allow them all; and the President becomes satisfied that they are doing wrong—that they are acting corruptly, or, if you please, acting without due qualifications or ability for the discharge of their duties, and the treasury is suffering immensely in consequence. Will it be said that this must be permitted to go on for months, and until Congress shall assemble, and then that the case shall be carried before the Senate, in the mean time allowing the money to lie dead for months before action can be had, giving the advice and consent of this body for its removal? No, sir; I will prefer to run the risk of the abuse of power. I will enable the President to remove those who are acting unfaithfully. I will hold him responsible for any abuse of power; and thus I will enable him, as far as I can, to protect the treasury against peculation. This is my objection to the amendment. I desire the power to exist in regard to all these treasury officers, and in regard to every officer whose warrant can reach the treasury and extract money from it. I desire the President to continue to have the power of removing them; and no abuse arising from political considerations will ever induce me to change what I regard as a sound and wholesome principle. These considerations, sir, induce me to vote against the proposition to amend, and in favor of the bill as it originally stands.

Mr. HALE. I have misunderstood this bill, in the exposition given by the honorable senator from Virginia, [Mr. HUNTER,] and the senator from Tennessee, [Mr. TURNEY,] as to the amendment concerning the power of these officers. I have understood them to say that they are entitled to draw a warrant upon the treasury. They simply examine the claims, I believe, and then come to Congress for an appropriation to pay them.

Mr. HUNTER. They have additional powers. They examine cases founded upon law, such as are now tried by auditors and comptrollers, and appeals are taken to them under the direction of the Secretary of the department, and such cases as these are tried upon appeal. They are to be considered as a board of accounts in matters of law; but where the claim is founded upon equitable considerations, they then only recommend it to Congress.

Mr. HALE. Exactly; in regard to all this class of claims that are now tried by Congress, and that are proposed to be referred to this board, the board has no power to make a draft upon the treasury; and all cases in which they have a right to make a draft are cases in which the accounting officer has now the right to pay; so that the creation of this board does not confer upon these officers any new power whatever, but, on the contrary, it remains exactly as it was before.

But I want to say a word or two upon the general question before the Senate. I very much apprehend that this amendment will be defeated; and why? Because it is not a measure which some gentlemen think it is now the time to pass. They want it on a separate bill—a separate resolution. They never can get that, sir, till the end of time. You may pass some sort of general resolution declaring that it is expedient that the President should not make removals without cause, or something of that sort, and I have no doubt that some such a resolution might possibly pass; but what will it be worth? Not a straw. I contend that the only time to make any efficient action is, when you have an opportunity to incorporate the measure into some bill which is to go into immediate action; and if gentlemen believe this principle to be good, the best way for them to give the evidence of that is, to vote for incorporating it into such a bill. The honorable senator from Tennessee, [Mr. TURNEY,] I know, says he will vote against it; while at the same time he says, that so far as this power of removal has had any operation in Tennessee, there has not been a single instance that has come under his consideration, where there has not been an abuse of power—not a solitary case; and yet, sir, the senator is willing to continue the exercise of this power, so liable to abuse, indulging the hope, I suppose, that the time may come, in 1853, perhaps, when it will be in the hands of the party with which he sympathizes more than with the present administration, which may not possibly be disposed to abuse the power so much as has been done in this instance.

The honorable senator from Mississippi points to the history of the exercise of this power in his own State, and, according to the eulogy he has pronounced upon these men, some of them were the most eminent and useful men ever born in society, yet were turned out under the legitimate operation of this power. And yet the honorable senator is willing that such excellent, worthy, amiable, and admirable cases as these shall continue to fall, during the existence of the whole period of this administration, because he hopes, undoubtedly——

Mr. FOOTE. If my friend from New Hampshire had heard me distinctly, he would have understood me very differently. I said distinctly that at the right time, and in a deliberate and formal manner, I was prepared to look into this matter, but I did not wish to do so in connexion with this measure.

Mr. HALE. If the honorable senator had heard the remark which I have just made, he would not have interrupted me. He says at the right time he will be willing to do this. It was once said by a Roman governor to the apostle, "go thy way for this time, and when I have a more convenient time, I will send for thee." Well, sir, history may be very imperfect, but there is nothing in the sacred history that tells us that the Roman governor ever found that time. And thus it will ever be with the honorable senator from Mississippi and other gentlemen. The right time will never come. Suppose that at the next election the democrats gain the day, according to the hopes of those who oppose this proposition: they will not agree to have this matter acted upon then. They will say that as the time has passed when the power was so much used against them, and a new set of men have come in, it is not time now, but must be put off, and they will look forward to the time when we have a corrupt administration. I expect that when that time shall come, it will be about the time when gentlemen will be willing to adopt this proposition.

Well, sir, I see that party discipline, party propositions and predelictions, are to be called in to oppose this measure. Here is a very curious state of things. The party that is in power is willing to vote for this restriction, and those that are without power will not do so, but look forward to the time when they themselves shall have it. Those that have the power in their hands are willing to sacrifice it; but those that have it not will not accept of the sacrifice of this power, lest, when their party comes into power, the poisoned chalice will be returned to their own lips. Now, I ask the gentlemen upon the other side of the chamber, each one who hears me, what principle of democracy inculcated by the immortal Jefferson, or immortal anybody else, is there which teaches that the continuing of this arbitary power of removal from office in the hands of a single man is a good thing? Let us try the restriction upon this one bill. It has been suggested by some senator who has addressed the Senate, that the whole field of removals, besides this spot, will then be open to the President, and we can have the two operations practically tried at the same time, and can then see which operates the best. It seems to me that the honorable senator from Tennessee [Mr. TURNEY] has imagined an extreme case, that the whole board may be corrupt—that they will be going on making corrupt decisions. He supposes this, and then asks if such a man is to be continued in office until Congress gets together again, before any removal can be made. That is a violent supposition. Why does he not apply it to all the judges of all the courts, all the supreme courts, and district courts, throughout the United States? Why should we not as well suppose that they may go on continually making corrupt decisions? Would not the supposition apply to them as well? I had prepared, at the suggestion of an honorable senator, for whose judgment I have great respect, an amendment, which I am perfectly willing to propose to this, provided that this sanitary principle will be ingrafted upon the bill. It is as follows:

Whenever the President of the United States shall see cause in his opinion for the removal of any one of the commissioners aforesaid, he may suspend him from the said office until the close of the next succeeding session of Congress.

I shall be willing to see an amendment of that sort for any contingency, as that anticipated by the honorable senator from Tennessee. Then the President of the United States, by virtue of this power, may interfere, and suspend this individual from his office, and that suspension will be operative until the close of the next session of Congress; and when the Senate meets, they can then see whether there is proper cause for his removal or not. But I do hope that, in some way or other, we can get the insertion of this principle into this bill. It does seem exceedingly strange that when gentlemen admit and declare that the operation of this principle of removal by wholesale is deleterious and wrong, contrary to the spirit and intention of the constitution, they are unwilling to attempt to limit it in a single specified case.

Now, let me say this much to those who refuse to act with us, from feelings growing out of prospective considerations as to the result of the next presidential election, that there is nothing even in the predictions of the almanac-makers as to the weather, that is so uncertain and so little to be relied upon as these calculations about president-making have got to be. I think that the honorable senator from Mississippi knows that. I think that "the wisdom of the wise has been defeated, and the calculations of the prudent set at naught." If there is anything in the indications of the present day which throws any light upon the future, the light thrown upon the future only shows how great is the darkness, and how utterly unwise and foolish it would be to suspend the application of a wholesome principle of legislation, in the expectation of the happening of a contingency so doubtful as that is, into whose hands the power shall fall in three or four years, or in a longer period. Here is a principle which is admitted to be wise, admitted to correct a great abuse—an abuse universal in some States—and yet not to be adopted, for fear of ulterior and remote consequences.

Mr. UNDERWOOD obtained the floor, but gave way to a motion that the Senate adjourn, which was agreed to;

And the Senate adjourned.

HOUSE OF REPRESENTATIVES.

After prayer by the reverend chaplain of the Senate, the journal of the last day's proceedings was read, in the course of which the following list was announced as the committee appointed under the resolution of Mr. STANLY, for an investigation into certain charges against persons in office under the last administration, viz:

Messrs. STANLY, INGE, SCHENCK, STANTON, of Kentucky, HAYMOND, HIBBARD, BRIGGS, FITCH, and WILLIAMS.

Mr. KING, of Rhode Island, asked the unanimous consent of the House for the suspension of the rules, to permit him to present certain joint resolutions of the legislature of Rhode Island, in order that they might be laid on the table, and ordered to be printed; but,

Mr. CONGER objecting, leave was not granted.

Mr. SIBLEY asked the unanimous consent of the House for the suspension of the rules to permit him to offer a resolution, as follows, viz:

Resolved, That the Committee on Territories be instructed to inquire into the expediency of making provision by law to authorize the legislative assembly of Minnesota Territory to prolong its next annual session to a period of ninety days—said committee to report by bill, or otherwise.

But, objection being made, leave was not granted.

Mr. DISNEY asked the unanimous consent of the House for permission to move the suspension of the rules, to permit him to introduce a resolution; which was read, for the information of the House, as follows:

Resolved, That the special committee raised upon the motion of Mr. RICHARDSON, of Illinois, to inquire into matters connected with the official conduct of the Secretary of the Interior, be directed to inquire whether, in cases where the appropriation of money has not been exhausted, but, at the expiration of the two years provided for, the unexpended balance has, in conformity with the provisions of the law, been transferred by the last administration to the general treasury, such accounts have not been reopened by the present administration, or some of the departments, and the money withdrawn from the general fund, and reappropriated without authority of law.

But Mr. VINTON objected, remarking that that committee already had quite as much on hand as it could possibly attend to. He was, however, willing, if gentlemen wished, to have a separate committee raised to consider the matter.

Mr. DISNEY regretted that his colleague had stepped forward to take the responsibility of opposing the introduction of his resolution. The committee already raised should be appropriately charged with the consideration of the subject. The allegations embraced in the resolution he regarded to be susceptible of proof, having himself received information to satisfy him (Mr. D.) of their truth.

Mr. McCLERNAND asked the unanimous consent of the House to move the suspension of the rules, in order to take up the Senate bills on the Speaker's table, to refer them to appropriate committees; but

Objection being made, and the regular order of business being called for,

The SPEAKER announced the first business in order to be the question on seconding the demand for the previous question, on the motion to refer to the Committee of the Whole on the state of the Union the resolution from the Committee on Foreign Affairs, concerning the free navigation of the St. Lawrence.

This question being put, the call for the previous question was seconded; and, under its operation, the resolution was so referred.

Mr. BAKER, remarking that he had never before troubled the House with a similar motion, asked the unanimous consent of the House for permission to move to take up from the Speaker's table the bill from the Senate in aid of the construction of the Mobile and Chicago railroad.

But, objection being made, leave was not granted.

On motion of Mr. THOMPSON, of Pennsylvania, the House went into Committee of the Whole on the state of the Union, (Mr. THOMPSON, of Mississippi, in the chair,) and, taking up the census bill, proceeded to consider and vote on various additional amendments thereto. After some hours spent therein—having gone through with each section of the bill seriatim—the committee rose, and the chairman reported the bill as amended in Committee of the Whole as follows, viz:

1. Strike out, after the word "taxed," in the fourteenth line of the first section, the following words: "also the statistics of agriculture, where the annual product of the farm is not equal to $150; also the statistics of other productive industry, where the annual product of the establishment, exclusive of domestic manufactures in families, is not equal to $500."

2. Insert in the third line of the second section, after the word "oath," the words "or affirmation."

3. Insert in the fourth line of the second section, after the word "States," the words "or before any judge of any State court."

4. Insert in the sixth line of the second section, after the word "will," the words "to the best of my ability."

5. In the —— line of the second section, strike out the word "magistrate," and insert the word "judge."

6. In the —— line of the second section, strike out the words "presume to."

7. Insert after the word "subdivision," in the —— line of the third section, the words "and transmit the same to the Department of the Interior."

8. Insert in the —— line of the third section, after the word "county," the word "hundred," and after the word "parish," the word "township."

9. Strike out, after the word "marshal," in the —— line of the fourth section, the words "may, and if unable to perform the duties himself."

10. Strike out, after the word "subdivision," in the —— line of the fourth section, the following words: "and the estimated number of square miles contained in the same."

11. Insert the word "and," after the word "made" in the —— line of the fourth section.

12. Strike out, after the word "specified," in the —— line of the fourth section, the following words: "and the square miles so estimated in each subdivision."

13. Strike out *all* of the fifth section, after the word "duty," in the —— line, and insert the following: "He shall carefully examine whether the returns of each assistant marshal be made in conformity with the terms of this act, and, where discrepancies are detected, require the same to be corrected. He shall dispose of the two sets of the returns required from the assistant marshals, as hereinafter provided for, as follows: one set he shall transmit forthwith to the superintendent of census; and the other copy thereof he shall transmit to the office of the secretary of the State or Territory to which his district belongs. He shall classify and determine the rate of compensation to be paid to each assistant marshal according to the provisions of this act, subject to the final approval of the Secretary of the Interior. He shall from time to time make himself acquainted with the progress made by each assistant marshal in the discharge of his duties, and in case of inability or neglect arising from sickness, or otherwise, appoint a substitute."

14. Strike out the entire sixth section.

15. Strike out all of the eighth section after the word "marshal," in the —— line, and insert the following: "may, in case of sickness or other disability, appoint a deputy marshal for the special purposes of this act, who shall have all the powers, perform all the duties, and be subject to all the penalties of the said marshal."

16. Strike out the following, after the word "dollars," in the —— line of the ninth section: "and when the compensation does not, in the whole, exceed the sum of five hundred dollars, a reasonable allowance for clerk-hire shall be made, the amount whereof shall be determined by the Secretary of the Interior," and insert the following words, viz: "and the Secretary of the Interior shall render to the marshals and assistant marshals of the Territories such compensation for their services as he shall deem just and equitable."

17. Strike out the following proviso in the ninth section: "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."

18. Strike out the word "if," in the —— line of the ninth section, and insert after the word "district," in the —— line of the same section, the following words, viz: "may, at his discretion, perform the duties of an assistant in any subdivision in which he may reside; and when he."

19. Insert after the word "oath," in the —— line of the tenth section, the words "or affirmation."

20. Strike out the words "filed with," in the —— line of the eleventh section, and insert the word "forwarded."

21. Strike out the words "on the spot," in the —— line of eleventh section.

22. Strike out all of the twelfth section after the word "assistant," in the —— line, and insert the following words, viz: "shall, within one month after the time specified for the completion of the enumeration, furnish the original census returns to the clerk of the county court of their respective counties, and two copies, duly compared and corrected, to the marshal of the district. He shall affix his signature to each page of the schedules before he returns them to his marshal, and, on the last page thereof, shall state the whole number of pages in each return, and certify that they were well and truly made according to the tenor of his oath of office."

23. Strike out all after "that," in the —— line of the thirteenth section, and insert the following, viz: "for every hundred inhabitants enumerated and described they shall receive, in all incorporated villages, towns, and cities, containing more than five thousand inhabitants, one dollar and twenty-five cents; in all subdivisions, not included in such villages, towns, or cities, containing, on an average, more than seventy-five inhabitants to the square mile, one dollar and seventy-five cents for each hundred; in subdivisions containing less than seventy five and more than fifty inhabitants to the square mile, two dollars and twenty-five cents for each hundred; in subdivisions containing less than fifty and more than twenty-five inhabitants to the square mile, two dollars and fifty cents for each hundred; in subdivisions containing less than twenty-five and more than ten inhabitants to the square mile, three dollars and fifty cents for each hundred; in subdivisions containing less than ten and more than five inhabitants to the square mile, four dollars and fifty cents for each hundred; and in subdivisions containing less than five inhabitants to the square mile, such compensation as the Secretary of the Interior shall allow. For the two copies of the enumeration of the inhabitants and of the statistics, eight cents for each complete page of each copy of the schedule."

24. Strike out after the word "assistant," in the —— line of the sixteenth section, the words "to his own use," and insert the words "to the use of the United States."

25. Strike out all of the seventeenth section, after the word "enforced," in the —— line, and insert the following, viz: "in the courts of the United States within the States or Territories where such offence shall have been committed, or forfeiture incurred, or before the judicial tribunals of any such States or Territories."

26. Insert at the end of the eighteenth section the following, viz: "which shall pass free; and the sum of $12,000 is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the purpose of covering the expense of transmitting the blanks and other matter through the mail, to be paid to the Post Office Department.

27. Strike out of the twentieth section the words, "as by law it is made the duty of," in the —— line, the words, "to superintend the census he," in the —— line, the word "also" in the —— line, and the words "especially to that end" in the —— line.

28. Strike out the proviso at the end of the twentieth section, and insert the following, viz: "And to enable him the better to discharge these duties, he is hereby authorized and required to appoint a suitable and competent person as superintending clerk, who shall, under his direction, have the general management of matters appertaining thereto, with the privilege of franking and receiving free of charge all official documents and letters connected therewith; and the said Secretary shall also appoint such clerks and other officers as may be necessary from time to time for the efficient management of said service. And the compensation to be allowed and paid to the officers connected with the census office shall be as follows: for the superintending clerk, two thousand five hundred dollars per annum, in full for his services; and for other assistants and clerks the compensation usually paid for similar services, to be fixed and allowed by the Secretary of the Interior: *Provided*, that no salary to a subordinate clerk under this section shall exceed the sum of one thousand dollars per annum. The blanks and preparatory printing for taking the census shall be prepared and executed under the direction of the Census Board; the other printing hereafter to be executed as Congress shall direct."

29. Strike out the 21st section.

30. Strike out the 23d section.

31. Strike out the tables in the census bill, and insert the schedules I, II, III, IV, V, and VI.

32. *Be it enacted*, &c., That this act shall continue in force until altered or repealed; and if no other law be passed providing for the taking of any subsequent census of the United States, on or before the first day of January of any year, when, by the constitution of the United States, any future enumeration of the inhabitants thereof is required to be taken, such census shall, in all things, be taken and completed according to the provisions of this act.

33. *And be it further enacted*, That from and after the third day of March, one thousand eight hundred and fifty-three, the House of Representatives shall be composed of two hundred members, to be apportioned among the several States in the manner directed in the next section of this act.

And be it further enacted, That so soon as the next and each subsequent enumeration of the inhabitants of the several States, directed by the constitution of the United States to be taken, shall be completed and returned to the office of the Department of the Interior, it shall be the duty of the Secretary of the Interior to ascertain the aggregate representative population of the United States, by adding to the whole number of free persons in all the States, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons; which aggregate population he shall divide by the number two hundred, and the product of such division, rejecting any fraction of a unit, if any such happen to remain, shall be the ratio or rule of apportionment of representatives among the several States under such enumeration; and the said Secretary of the Department of the Interior shall then proceed in the same manner to ascertain the representative population of each State, and to divide the whole number of the representative population of each State, by the ratio already determined by him as above directed, and the product of this last division shall be the number of representatives apportioned to such State under the then last enumeration: *Provided*, That the loss in the number of members, caused by the fractions remaining in the several States on the division of the population thereof, shall be compensated for by assigning to so many States having the largest fractions one additional member each for its fraction, as may be necessary to make the whole number of representatives two hundred: *And provided, also*, That if, after the apportionment of the representatives, under the next or any subsequent census, a new State or States shall be admitted into the Union, the representative or representatives assigned to such new State or States shall be in addition to the number of representatives herein above limited; which excess of representatives over two hundred shall only continue until the next succeeding apportionment of representatives under the next succeeding census.

Be it further enacted, That when the Secretary of the Department of the Interior shall have apportioned the representatives in the manner above directed among the several States, under the next or any succeeding enumeration of the inhabitants of the United States, he shall, as soon as practicable, make out and transmit, under the seal of his office, to the House of Representatives, a certificate of the number of members apportioned to each State under the then last enumeration; and shall likewise make out and transmit, without delay, to the Executive of each State, a certificate, under his seal of