EDITED BY
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IN CONGRESS OF THE U. STATES.

Thirty-First Congress...First Session.

TUESDAY, JULY 16, 1850.

SENATE.

Mr. SHIELDS moved that the Senate proceed to the consideration of the joint resolution from the House, granting old brass guns to the Jackson Monument Committee: which was agreed to.

The Senate accordingly considered said bill as in Committee of the Whole; and, no amendment being offered, it was reported to the Senate, ordered to a third reading, and was read a third time, and passed.

MEMORIALS AND PETITIONS.

Mr. JONES presented the proceedings of meetings of citizens of Davenport and Iowa city, in the State of Iowa, in favor of the passage of the Adjustment bill now before the Senate; which were read.

In presenting these proceedings, Mr. J. said:

Mr. President, I desire to present to the Senate, as an evidence of the state of public feeling in Iowa, certain resolutions, which were unanimously adopted, on the 5th of the past month, at a numerously-attended democratic convention, which was held at Davenport in that State, to nominate a candidate for Congress for the second district in the State, and at which convention Lincoln Clark, esq., was nominated. He, sir, was one of the late Cass and Butler electors, who, with my honored and esteemed colleague, traversed our State, and proclaimed upon the stump, before our people, their opposition to free-soilism, abolitionism, and every other ism which is calculated to distract and divide the American democracy. They then sustained, in the most enthusiastic and bold terms, the doctrine of non-intervention, as set forth in the Nicholson letter of the candidate of our party for President of the United States. The people of the whole State, at the ballot-box, in November, 1848, sustained the course of our presidential electors by electing them, and by electing democratic majorities in both branches of our legislature; which legislature, after electing my colleague and myself to the Senate, *refused* in the most emphatic manner to instruct us to vote for the WILMOT. Sir, we considered that act of our legislature as a high compliment to our ourselves, and as an evidence of the wisdom and patriotic spirit of the noble, generous, and confiding people whose faithful representatives had elected us. Similar resolutions to these were also adopted at the democratic convention in the *first* district, but copies of which I have not now before me to present to the Senate.

The second set of resolutions, Mr. President, come to us from the largest and most respectable body of the democracy of our State which has perhaps ever assembled within its limits. It met at the seat of government of our State, on the 12th of last month, for the purpose, and nominated candidates for governor, secretary of State, auditor, treasurer, and other high functionaries, all of whom are decided anti-Proviso men, and anxious for a reconciliation of our present difficulties. It is needless to say, Mr. President, that my colleague and myself have received with pleasure these emanations of the feelings of the democracy of Iowa, according, as they do, with our oft-repeated declarations and votes in this body. Although no such expressions have come to us from them as a party, I will not do the whigs of our State the injustice to suppose that any *respectable* portion of them are opposed to the spirit of these resolutions, and an early pacification of our councils here by the passage of the Compromise bill of the Committee of Thirteen, or some other kindred measure. Both of the candidates of the whig party for Congress, I learn, in the State, are anti-Proviso men. Sir, I have all the time been decidedly of the opinion that the better way to settle our difficulties in relation to our newly-acquired Territories was by means of an "omnibus bill," if gentlemen see fit so to call it—ay, sir, a bill which shall embrace *all* the elements of discord which are now threatening the peace and harmony, if not the continuance, of our noble government as a unit. Sir, in the incipient steps, I voted to keep California disconnected from the other territorial measures. A little reflection soon convinced me that I was *then* in error, and that it will be better to keep California *out*, composed as the parties in the House of Representatives are, until all the questions connected with the Territories and slavery are adjusted.

My residence of several years in slave States has convinced me that the evils of which free-soilers and abolitionists complain are more attributable to the fanaticism of their own brains than the sufferings of the "poor slaves;" and, on the other hand, sir, that the free man of color is neither better fed, better clad, nor more contented in mind, than the slaves of Kentucky, Missouri, or Arkansas.

In a large correspondence, Mr. President—equal, perhaps, to that of any member of Congress—I have received from my constituents and friends *not one* letter which takes ground against the Compromise bill. All are anxious for its speedy passage—no one doubting, if it should become a law, that it will settle this negro question, or at least until another addition of territory is acquired, which no one now anticipates.

Anxious as I am for the admission of California, I am unwilling that it should be done, and the other sores on the body politic left to fester, and ultimately, perhaps, to destroy the whole system, when the means of healing all at once are at our command, and can be safely and advantageously applied. The people of the Territories are quite as much, and, in my opinion, more in need of the fostering care of the parent government than those of California are—they now having an organized government, and the number and strength to support themselves.

Since the receipt of these resolutions, I have seen an extract, taken from a *whig paper*, called the Des Moines Courier, which pronounces my colleague and myself "*pro-slavery men*," and says that "they do not truly represent the feelings or wishes of the people of Iowa, but a very small portion of them, known as the Dodge clique." Now, sir, this editor is the only person that I have heard of in Iowa, occupying a public or private position, who has seen fit to condemn our course. He is one of a family, two or three of whose members are fed at the public crib, and are now enjoying offices from which good democrats were removed; and they are, or were, expecting at the hands of our late Chief Magistrate still further rewards for their loyalty to him and his course of policy in reference to the *all-consuming* and *agitating* questions of the day—a hired editor, sir, who believing that "the laborer is worthy of his hire," has seen fit to castigate us for pursuing a course which we honestly believe will conduce to the peace, prosperity, and happiness, not only of our own people, but of those of every other section of our Union. As I before remarked, sir, the views of my colleague were proclaimed aloud by him in every organized county of our State. My own were not so heralded; but wherever *I was* known, it was distinctly understood that I entertained views and expressed opinions coinciding with his and those of the noble standard-bearers of our party for President and Vice President of the United States in the last presidential election. We are accused, too, of following the lead of the distinguished patriot of Kentucky, [Mr. CLAY,] in our votes for the Compromise bill. This I consider a high compliment; because, sir, I am entirely certain that his course now will tend, as it did when the Missouri Compromise act was passed under his guidance, to promote the interests of the nation. When these are at stake, I would despise myself if I could not look beyond and above mere party considerations. Sir, widely as I differ with that venerated man upon almost *every* political question of the day—sternly as I know him to be attached to the tenets of the party of which he may justly be said to be the founder and head, and firmly as I know myself to be devoted to those of the party of which I am an humble member, and widely as these differ, they have not and will not prevent me from uniting with him in support of any measure which has for its object the perpetuity of this Union.

A native of a free State, (Indiana,) and raised partly in slave States, I have, if I know myself, no prejudices or animosities to indulge in relation to the delicate subject of slavery. I am now, as I have ever been, opposed to it; by which I mean that in any State or Territory where that question is to be decided, were I a resident, no man would be more decided in his opposition to its establishment than I would be. My opinions, my observations, and my feelings, are against it; but under no circumstances will I consent to interfere with it where the constitution and laws of my country have placed it. More than that: I will not vote for insulting enactments, nor lend myself to harass or excite the fears of those amongst whom it exists. Would to God that this Congress could so elevate itself above the passions and prejudices of the day as forever to give the quietus to this distracting question! Sir, I believe the bill now before us will effect that object; and, so believing, I shall record my vote for it with unmixed pleasure.

Mr. President, when I think of the vast interests, both to this nation and to all mankind, which may be involved in the defeat of this great Compromise measure—when I see the violence with which it is assailed by the ultras, both North and South, and when I reflect upon the closeness of the vote by which it is to be carried or defeated—I confess I do so with the most fearful forebodings for the future.

In conclusion, Mr. President, allow me to express the earnest hope that, ere the present week shall have closed, the Senate will, by a decisive vote, have passed this bill, and that the House of Representatives may soon thereafter do likewise. I send the resolutions to be read at the Secretary's desk:

Resolutions adopted by the Democratic Convention of the second congressional district in Iowa, held on the 5th June, 1850.

Resolved, That the proposition of President Taylor, relative to the admission of California into the Union, leaving the Territories of New Mexico and Utah without government, and thus dodging the responsibility of action upon the Wilmot Proviso, and leaving the question of slavery still open for continued discussion and excitement, is an unworthy artifice to avoid responsibilities, and a specimen of statesmanship discreditable to the intelligence of the age.

Resolved, That inasmuch as the Compromise report made to the Senate by the Committee of Thirteen appointed on that subject coincides entirely with the views heretofore entertained and expressed by the democratic party of this State, and inasmuch as we believe in the practicability of the proposed plan of settlement, and in the equity of its several propositions, we deem it but justice, and our duty on this occasion, to express our approbation of said report.

Resolved, That we deprecate, as dangerous to the harmony of the Union, and as an unwarrantable outrage upon the feelings of the people, the continued and prolonged excitement produced and kept upon the subject of slavery by designing demagogues in Congress and elsewhere, for selfish and interested motives, and that an immediate settlement of the question is demanded both by the public interest and the public wish.

Resolutions of the State Democratic Convention, assembled at Iowa City.

Resolved, That it is as gratifying to the pride, as it is creditable to the patriotism of the democrats of Iowa, that prominent statesmen of all parties, in seeking for a satisfactory adjustment of the difficulties which unfortunately exist between the slave and non-slaveholding States, are found uniting, in the main, on the policy of non intervention; and while they arrogate to themselves no right to question the course of other States on this subject, they point to the fact, with feelings of unmingled satisfaction, that *they*, in co-operating with those who are striving to preserve the Union, are required to "tread no steps backward."

Resolved, That, regarding the preservation of our happy form of government as paramount to all other considerations, and believing that the threatened danger may be averted, we approve of the bill recently introduced into the United States Senate by the Committee of Thirteen, generally known as the "Compromise bill."

Resolved, That as this bill authorizes the immediate admission of California—organizes the Territories of New Mexico and Utah—provides for the settlement of the Texan boundary question—enforces the provisions of the constitution with regard to the reclamation of persons escaping from service—and abolishes the slave trade in the District of Columbia—we believe its adoption as a whole would be hailed as a peace offering by an overwhelming majority of the people; nor is our confidence in the wisdom of the measure diminished by the fact that the ultraists of both extremes are found united in opposition to it, but rather increased.

The papers were then received, and laid upon the table.

[A message in writing was here received from the President of the United States; which, however, was not read.]

Mr. SEWARD presented the proceedings of a meeting of citizens of Utica, in the State of New York; which he read, as follows:

Meeting on the subject of California and the Territories.

In pursuance of a call numerously signed, a meeting of citizens, irrespective of party, was held at Mechanics' Hall, in the city of Utica, on the evening of the 5th day of June, 1850, to make an expression of opinion in favor of the immediate admission of California as a State, with her present constitution and boundaries, and for the prohibition of slavery in the Territories by legislative enactment. The meeting was called to order by J. Benedict, Esq., on whose motion Dr. Thomas Goodsell was called to the chair, and Dr. John McCall and John Thorn were appointed vice-presidents, and Wesley Bailey and E. J. Richardson were chosen secretaries.

On motion of Benjamin F. Cooper, esq.,

Resolved, That a committee of five be named by the chair to report resolutions for the consideration of the meeting.

The chairman, in pursuance of this motion, appointed Benjamin F. Cooper, John S. Peckham, Wm. J. Bacon, Henry Newland, and H. H. Hawley, as the said committee.

Benjamin F. Cooper, esq., on behalf of the committee, reported the following resolutions, which were received with loud applause. The question of their adoption was taken on each resolution separately, and they were adopted unanimously. They are as follows:

Whereas, by the failure of Congress to establish a territorial government for California, she has been constrained to establish a government for herself; and whereas, also, in her adoption of a State constitution, she has but exercised an acknowledged right of American citizens, and in a manner sanctioned by Congress in the admission of Michigan, Tennessee, and other States of the Union: Therefore,

Resolved, (as the opinion of this meeting,) That California, with her present constitution and boundaries, should, as a distinct and independent measure, be immediately admitted as one of the States of the Union.

Resolved, That the opposition of this meeting "to the increase of slavery in this country, or to the increase of slave representation in Congress, is general and universal. It has no reference to the lines of latitude or points of the compass. We oppose all such extension and all such increase, in all places, at all times, under all circumstances, against all inducement, against all supposed limitations of great interests, against all combinations, against all compromises." That, imbued with this spirit, this meeting are unwilling to trust the restriction of slavery either to natural law or the prohibitions of a disputed Mexican law; and they hereby declare their unchanged and unchangeable convictions, that Congress should organize no territorial governments, without excluding from them, *by positive law*, the existence of slavery, or involuntary servitude, except as a punishment for crime.

Resolved, (as the opinion of this meeting,) That the State of Texas has no rightful claim to any portion of the Territory of New Mexico, as it existed under the Mexican republic; and this meeting cannot approve of any arrangement, as a compromise, which substantially yields up to Texas one half of this disputed territory, and pays her liberally in money for the other half.

Resolved, That in the joint resolutions annexing Texas to the United States the right to settle the boundaries of Texas was expressly reserved to the United States. That under this resolution, in the opinion of this meeting, Congress could, previously to the treaty of Guadalupe Hidalgo, have permanently settled the boundaries of Texas with the republic of Mexico. And this meeting are unable to perceive by what means the provisions of that treaty, which have devolved upon the United States the rights and powers of Mexico, have tended to abridge the rights of the United States to determine and settle the boundaries of Texas, without adding to the large sums already paid from the national treasury to secure her annexation to this country.

Resolved, That although the joint resolutions annexing Texas to this government provide for the admission of four additional States from Texas, with her and their assent, yet, by the language of the said resolutions, the same must be made "under the provisions of the federal constitution;" and this meeting are of the opinion that a sound construction of that resolution only authorizes the admission of any additional States from Texas by the joint consent of Texas and of Congress, and is a substantial re-enactment of section three article four of the federal constitution.

Resolved, That the constitutional provision in relation to fugitives from labor or service establishes only a right in the party to whom service is due to reclaim and receive the fugitive, but prescribes nothing of their mode or manner; and since the South has expressed a dissatisfaction with, and requires an amendment of, the act of 1793, this meeting are of the opinion, if any amendment be made, that it would be the exercise of a sound legal discretion in Congress so to amend that act as to require legal proof of the identity of the fugitive, and a right to his service, sanctioned by the verdict of a jury, in the State or Territory where a demand for the alleged fugitive is made.

Resolved, That the exclusive authority of Congress "to legislate in the District of Columbia in all cases whatsoever" vests in Congress an authority to abolish slavery and the slave trade within its limits; and whatever opinion may exist with regard to the expediency of the former, this meeting most earnestly desire that the slave trade be no longer tolerated in the capital of the nation.

Resolved, That one of the *primary* objects of the national constitution was, as its preamble declares, "to secure the blessings of liberty to ourselves and our posterity;" that by that instrument we become essentially one people; that we discover in the constitution no North and no South; and least of all do we discover any countenance of the idea that that instrument was intended to create or preserve an equilibrium between freedom and slavery.

Resolved, That a copy of the proceedings of this meeting be sent to each of our senators and representatives in Congress, and that this meeting be now adjourned.

THOMAS GOODSELL, Chairman.

E. J. RICHARDSON, Secretary.

Mr. CLAY. I would inquire of the gentleman if the resolutions themselves request that they should be submitted to Congress. I understand that according to the rules a resolution or petition must be addressed to the body. I want to know whether there is any request in these resolutions themselves that they should be laid before us.

Mr. SEWARD. I answer the senator from Kentucky most cheerfully. In the resolutions I did not read was a direction that the resolutions be transmitted to the senators from the State of New York. That they were received some considerable time since in a printed form, without any request that they should be presented to the Senate, and therefore I did not present them to the Senate; that this morning they came to me in writing, authenticated by the officers, with a request that they should be presented to the Senate.

Mr. CLAY. Mr. President, I have received, I am sure, at least twenty sets of resolutions from my own State, expressive of their opinion in favor of this Compromise, but none of them requesting that they should be laid before the Senate, and I have therefore declined to do it. Unless this meeting made such a request, as the officers have no right to substitute themselves for the meeting, I wish to know, under the rules, whether, upon a request from them, after the meeting has been dissolved, such resolutions can be legally presented to the Senate.

The PRESIDENT. There can be no question in regard to the rule, if it is rigidly enforced—that no senator is at liberty to present resolutions which are simply sent to himself or his colleague, without there is a request accompanying them to lay them before the body. If such a request is sent, they assume the form of a memorial, and, considered as such, they properly go before the body. But without such a request contained in them, it is not proper that they should be presented, unless, by unanimous consent of the body, all objection to their reception is waived.

Mr. CLAY. As they have been read, I hope they will be laid on the table. I made the point simply that it might have its effect hereafter.

Mr. DICKINSON. I have nothing to say in regard to these resolutions; but in regard to meetings that are held "without distinction of party," I would remark that they have become very customary and frequent ever since the Buffalo meeting of 1848, and they all tend to the same end. I have in my possession a petition addressed to the senators from New York, by name and style of office, and to the local representatives of the city and county of New York, bearing about 30,000 signatures, embracing the most responsible and respectable names of the citizens of that metropolis, and in most instances giving their residences. I have forborne to present this petition to the Senate, for the reason that it was not addressed to this body, and therefore it would not be strictly in order to present it here. If other papers of a like character shall be presented to the Senate, and it is determined that it is suitable to do so, I shall, under that privilege, bring them before the Senate at some subsequent time. The petition is in favor of the Compromise bill, so called, in strong and decided terms.

Mr. HALE. I have a paper, Mr. President, which is addressed to the honorable Senate and House of Representatives in Congress assembled.

Mr. FOOTE, (interposing.) I suppose the honorable senator from New Hampshire will not occupy the Senate with that additional paper, until we take some action on this proposition, which I understand is not yet disposed of.

Mr. HALE. Is there any proposition now before the Senate?

The PRESIDENT. There is none. There was no objection made to the reception of the papers offered by the senator from New York. The proposition was to lay them on the table, and, if no objection is made, they will be so disposed of.

Mr. FOOTE. I make objection, sir, and for this reason simply: I consider all such propositions brought here to have originated in purposes of malignant and unprincipled mischief. I am tired and sick of such proceedings. The country is thoroughly nauseated with them, and I will, under no circumstances, give my consent in any shape or form to the continuance of the horrible nuisance under which we have been so long suffering from things of that character. I therefore, in the strongest and most decided manner, object to the least consideration being given to these resolutions.

Mr. HALE rose, but gave way to

Mr. SEWARD, who said: These proceedings, as I have already stated, were addressed to the senators from New York. I did not deem that of itself sufficient to warrant me in presenting them to the Senate. When they were again transmitted to me in writing, authenticated by the officers, with the request that I should do so, I deemed that sufficient, and accordingly presented them. I respectfully think my proceeding was in order. I cannot consent, Mr. President, to withdraw the proceedings. They abide at the pleasure of the Senate. I will only observe that all resolutions of instructions which are sent to senators and representatives from the States are generally couched in the *same language* as the resolution directing them to be transmitted to the senators and representatives in Congress. That has been understood to be equivalent to or to imply a request to present them. Under these circumstances, whether or not the Senate shall consent to receive them, I shall have discharged my duty.

Mr. FOOTE. I do not understand the honorable senator to be right in his statement that these resolutions are now at the mercy of the Senate as a corporate body. I understand by the decision of the Chair that they are at *my* mercy as an individual member of the Senate; and as an individual I am willing to assume the responsibility, and I am proud to do it. I am happy to have it in my power to suppress the most objectionable political nuisance in all the land; and I will not give my consent to the least consideration of those resolutions.

Mr. HALE. I wish to inquire if it is not too late to make the objection to the reception of the resolutions?

The PRESIDENT. The question was raised by the senator from Kentucky as to the rule concerning such papers, and, the resolutions presented by the senator from New York being under consideration, the senator from Kentucky said he would not object; but objection was made afterwards by the senator from Mississippi. The Chair will repeat that the strict rule is, that no paper can be laid before the Senate, without the consent of the body, that contains merely instructions given by constituents to senators and representatives here, such information being furnished for the regulation of the conduct of those senators and representatives; but in order that such papers may be presented to this body, they must contain a request that they be presented to the body. Therefore, although there has been great irregularly in the past action of the Senate in this respect, the Chair feels himself bound in future, when his attention is called to the subject, to enforce the rule; and as the point is raised now, the Chair would give notice to the Senate that, in future, he will direct to be returned to senators all papers that are not addressed to this body, or directed to be laid before it.

Mr. HALE. I hope the same rule will be observed in regard to papers that have been presented to the Senate this morning. I think, sir, it will be found that New York is not the only State from which resolutions have been presented here this morning which do not come within the rule. Resolutions were presented here from the State of Iowa, under similar circumstances with those from New York.

The PRESIDENT. Does the senator object to the decision of the Chair?

Mr. HALE. No, sir; but I wish to have the rule enforced, so as to make it apply to all the resolutions presented this morning.

The PRESIDENT. The Chair supposed, when the resolutions were presented to the Senate this morning by the senator from Iowa, [Mr. JONES,] that they were addressed to this body, and he was not aware of the fact until after they were presented; otherwise, he would probably have made objection himself. The question now being made, he feels bound, as the presiding officer, to enforce the rule without reference to where such papers come from, because the Chair has no feeling in the matter.

Mr. SEWARD. I desire to say that, while I cannot consent to withdraw the proceedings, I am perfectly satisfied with the integrity of purpose and the correctness of the decision of the Chair on the subject.

Mr. HALE. Mr. President, I have now a paper that I want to present, which is addressed to the Senate and House of Representatives of the United States, and I do not mean to be very long in stating its contents. The petition comes from a class of citizens who have but one right, and that is the right of petition. It comes from the colored people of Alleghany county, in Pennsylvania, and is very numerously signed. They represent that by the provisions of the law of 1793, as it now stands, they are subjected to a very great and cruel wrong. Being born in the free States, and of a dark color of skin, they have not the required proof of their freedom, and are subject to great harassment. They state that whenever they are claimed, they are left without any protection by law, and at the mercy and discretion of the claimant, having no redress whatever. In view of these circumstances, that are so alarming and terrible, subjecting themselves, their wives, and children to outrages against which all other American citizens are sacredly protected, they respectfully remonstrate against the provisions of the act of 1793 relating to the recapture of fugitive slaves, and against every bill now in existence, or which may hereafter be introduced in either of the houses of Congress, in any way or manner infringing upon their liberty as American citizens.

The memorial was received, and laid upon the table.

Mr. UPHAM. I hold in my hand, Mr. President, resolutions passed by the legislature of Vermont, relative to slaves in the District of Columbia, and requesting that the ordinance of 1787 may be applied to the territorial governments. The last of the resolutions directs the State government to transmit them to the senators and representatives in Congress, but there is no direction contained in them that they shall be presented to the respective houses of Congress. I wish to inquire whether they can be received under the rule enforced this morning?

The PRESIDENT. The Chair has observed for a number of years that resolutions coming from State legislatures, and sent to the representatives in Congress, have been received without express direction that they should be laid before Congress. The distinction seems to have been made in consequence of their coming from the legislatures of States; because, when they were adopted, and sent to their representatives, they were supposed to be intended for their general, more than for their particular, information, and therefore they did not come under the regulations of other resolutions coming from private meetings of citizens.

Mr. HUNTER. I rise, sir, to a question of order. I understand the practice of the Senate to have been different. I remember that some resolutions were passed by my own State, and because there was no request contained in them to present them, they were not presented. I was assured that there was no instance in which resolutions had been presented, unless there was a request on the part of the legislature to do so, or unless they were in the shape of instructions. This reception would then reverse the whole practice of the Senate; and, if it be right to receive these resolutions, we have been in error in not presenting them before. I think the presiding officer will remember that he was one of those whom I consulted on the subject, and that he considered that they could not be presented according to the rules and practice of the Senate.

The PRESIDENT. I have no recollection of having been consulted on the occasion referred to; if I was, I gave the opinion that strictly, according to the rule, no paper could be laid before the body where there was not a request that it should be done. But the practice of the Senate has not been precisely as the senator from Virginia supposes; for I know that, on various occasions, resolutions adopted by State legislatures containing no such request have been, by the courtesy of the Senate, received, inasmuch as they came from a legislative body. Strictly speaking, however, if the rule is strictly enforced, they could not be received.

Mr. HUNTER. Do I understand the Chair to state that resolutions have been received where they neither contained a request on the part of the legislature to present them, nor instructions to senators?

The PRESIDENT. These resolutions from the State of Vermont do contain instructions.

Mr. HUNTER. I beg pardon. I supposed they did not.

Mr. DICKINSON remarked that, in the case of New York a year or two ago, when resolutions were presented, they urged their reception because they contained instructions which the senators from New York were to consider, and were not addressed to the Senate. He recollected that the late lamented senator from South Carolina was of the opinion that, being resolutions from a sovereign State, they should be received. He did not remember a case where mere abstract resolutions were received by the Senate.

Mr. UPHAM moved that the resolutions be received, laid on the table, and printed for the use of the Senate; which motions were agreed to.

Mr. STURGEON presented a memorial of citizens and physicians of Pittsburg, Pennsylvania, asking the enactment of a law regulating and defining the rank of the medical officers of the navy; which was referred to the Committee on Naval Affairs.

In presenting this memorial, Mr. S. remarked that it was similar to some he had already presented, which were referred to the Committee on Naval Affairs. It asked that the surgeons of the navy be placed on the same footing with those of the regular army. He felt a deep interest in the subject, and desired that it should have an immediate consideration. The interest which he felt in this matter arose partly from his connexion with the profession, and partly from his acquaintance with, and friendship towards, many of those men who served in the navy. The chairman of the committee being absent, he would call the attention of the other members of the Committee on Naval Affairs to it, to have it acted on at an early day.

REPORTS FROM COMMITTEES.

Mr. DICKINSON, from the Committee of Finance, to whom was referred the memorial of J. S. Toley & Co., and Lewis Renney & Co., asking the return of certain duties, asked to be discharged from the further consideration of the same, and that the memorial be laid on the table; which was agreed to.

Mr. BALDWIN, from the Committee of Claims, to whom was referred the bill from the House of Representatives, entitled "An act for the relief of Gideon Walker," submitted a report, which was ordered to be printed, adverse to the passage of the bill.

Mr. SHIELDS, from the Committee on Public Lands, to whom was referred the bill to authorize the State of Illinois to select the balance of the lands to which she is entitled under the act of 2d March, 1827, granting land to aid that State in opening a canal to connect the waters of Illinois river and those of Lake Michigan, reported back the same without amendment.

Mr. FELCH, from the Committee on Public Lands, to whom were referred the bill to cede the public lands of the United States to the States respectively in which they are situated, on condition that the said States shall severally grant and convey the said lands to actual occupants, only in limited quantities, for cost of survey, transfer, and title muniments only; the bill to reduce and graduate the price of the public lands, and for other purposes; the bill granting 160 acres of the public lands to the actual settlers who shall reside thereon, and shall cultivate a portion thereof for a period of four years; together with numerous resolutions of State legislatures, memorials, and petitions, all relating to the same subject;—submitted an adverse report; which was ordered to be printed.

Mr. HAMLIN, from the Committee on Printing, to whom was referred the motion to print the memorial of Gordon L. Mott, asking an amendment of the patent laws, reported against printing the same; which was concurred in.

BILLS INTRODUCED ON LEAVE.

Mr. UNDERWOOD, in pursuance of notice, asked and obtained leave to introduce a bill for the relief of the president, directors, and company of the Orange and Alexandria railroad; which was read a first and second time by its title, and referred to the Committee of Claims.

Mr. DAVIS, of Massachusetts, in pursuance of notice, asked and obtained leave to introduce a bill to amend an act entitled "An act to provide for the better security of the lives of passengers on board of vessels propelled, in whole or in part, by steam;" which was read a first and second time by its title, and referred to the Committee on Commerce.

BILLS PASSED.

The following bills, which were ordered to be engrossed yesterday, were severally read a third time, and passed:

The bill to amend an act entitled "An act for the better regulation of the district court of the United States within the State of Louisiana," approved 3d March, 1849;

The bill providing for an additional term of the United States circuit and district courts at Chicago, in the State of Illinois.

CALIFORNIA—TERRITORIAL GOVERNMENTS—ADJUSTMENT.

The Senate, as in committee of the whole, resumed the consideration of the bill for the admission of California as a State into the Union, to establish territorial governments for Utah and New Mexico, and making proposals to Texas for the settlement of her western and northern boundaries—the question pending being upon the following amendment, submitted yesterday by Mr. BENTON:

Strike out of proposition "first" of section 39, after the word "beginning," these words: "at the point on the Rio del Norte, commonly called El Paso, and running up that river twenty miles, measured by a straight line thereon, and thence eastwardly to a point where the 100th degree of west longitude crosses Red river, being the southwest angle, in the line designated between the United States and Mexico, and the same angle in the line of the territory set apart for the Indians by the United States," and insert after the said word "beginning" these words: "at the point in the middle of the deepest channel in the Rio Grande del Norte, where the same is crossed by the 102d degree of longitude west from the meridian of Greenwich; thence north, along that longitude, to the 34th degree of north latitude; thence eastwardly to the point at which the 100th degree of west longitude crosses the Red river.

Mr. RUSK addressed the Senate, in reply to the remarks submitted by Mr. BENTON yesterday. [The speech of the honorable senator, having been withheld for revision, will appear hereafter.]

Mr. CLAY. Mr. President, the question before the Senate is the proposition made by the senator to amend the bill so as to vary most essentially the lines separating New Mexico from Texas. I wish to say a few words upon that question; and I do not intend to enter into a general reply to the remarks of the senator who introduced this amendment. There were one or two observations in those remarks which I will notice before I proceed to consider the question of the actual southern boundary of New Mexico.

The senator has indulged in considerable criticism upon the mutual cessions by Texas and the United States, as provided for in the bill before the Senate; and he has contended, according to the language of these reciprocal cessions of title, a good right is attempted to be given to the land proposed to be ceded by Texas upon the one hand, and by the United States upon the other. Mr. President, what was the state of the case? Here was a question of disputed boundary—Texas claiming upon the one hand, and the United States upon the other hand—of the true limits of New Mexico. It is difficult to reconcile the conflicting opinions that prevail upon the subject. Among the reproaches the senator to whom I referred—the senator from Missouri, [Mr. BENTON]—brought against the committee was this omission to express any opinion. Why, Mr. President, in the first place, if the committee had expressed any opinion, it would have been as little respected by that senator, I presume, as he has respected the other labors of the committee. But what necessity was there to express any opinion upon the validity of the title, when the committee was to propose a compromise—an adjustment—a settlement of the controverted question of boundary? None; none whatever, sir. I should like to know, in the case of an adjustment of a disputed boundary, where there was a mutual surrender of respective claims by the two parties in dispute, what other language could be employed than that which was criticized by the senator from Missouri, [Mr. BENTON.] What is that language? It is that Texas cedes to the United States any right, claim, or title; and the United States, on the other hand, cedes to Texas any right, title, or claim. Well, sir, look into all the instances of cession made to the United States by the different States, and especially that of Georgia, which from time to time had made cessions of land to the United States—for in the case of Georgia, you well know, from the history of the transaction, that there were mutual claims set up by the United States and by Georgia: what is the language of Georgia in the cession? It is that she cedes to the United States. What is the operation of this reciprocal cession or concession by the two parties? It operates to transfer the right, if there be a right—to transfer the claim, if there be only a claim, or the pretension, if there be only a pretension. It transfers, in short, whatever one party has to the other, be it less or more of the title, claim, or pretension. But, sir, I think it will embarrass any gentleman to sit down and make such a mutual concession—the concession of title between the two parties—and to employ another language than that which the committee has done.

Another observation, and I proceed to the consideration of the title. The senator has allowed himself yesterday, and I see it is deliberately printed in both copies of his speech which I have read this morning, to use language to this effect:

The bill is caught *flagrante delicto*—taken in the act—seized by the throat, and held up to public view—(and here Mr. BENTON grappled a bill and held it up)—in the very act of perpetrating its crime—in the very act of auctioneering votes to pass itself.

Now, sir, with regard to that boa-constrictor struggle between the senator and the bill, the issue of it may be what it pleases. But, sir, I put it to the Senate and the country whether language such as this is admissible upon the floor of the Senate. "Auctioneering for votes" to carry the bill! Who auctioneers? The bill, or the Senate, or the committee? If the senator means to say that it was the intention of the committee or any member of the committee, or that it was the intention of that bill, to auctioneer for votes in order to carry it, I would repel the charge as a groundless and unfounded imputation. But is not such language remarkable to be used in a deliberative body? Why, sir, it would be applicable to every case of the appropriation of money. It might be said the object is to bribe—to auctioneer for votes—to purchase votes in order to carry the appropriation. When I heard the remarks, I could not help being struck with the bill, which I beg the Secretary to read, which the senator himself introduced in an early part of the session. [The Secretary here read the bill.]

You there find the same language employed in it as that used by the committee—a cession—a ceding. What further, sir? A proposition to Texas to give her fifteen millions for the cession, which is proposed by that bill to be made by her to the United States. I want to know what is the difference in principle between the bill of the senator and the bill reported by the committee. There is a great difference in point of the extent of territory; there is more land purchased in the bill proposed by the senator: that is all. In principle it is the same. In both cases it is the cession—the relinquishment or purchase, as you choose to denominate it—proposed in the bill which the senator has introduced, and proposed in the bill which the committee of the Senate have introduced. Now, sir, if it had been possible for me to have made the imputation—I do not know how it would have been received by the senator, and it would have been utterly impossible for me to make it—that here are fifteen millions of dollars tendered in his bill to be put forth for the purpose of auctioneering for votes for the passage of the bill, would he not have felt, as the committee must feel, a reproach of that kind directed against the bill? I know that the committee contemplate the offer of a sum not equal to that which the senator himself proposed by some fifty or a hundred per cent.; but it is auctioneering for votes to carry the bill, while no such purpose but the contrary was designed by the senator. Mr. President, I feel ashamed—I feel it in some degree a degradation to the body—when any one can get up and suppose any amount of money whatever, offered in the shape of an appropriation for any legitimate purpose, by taking the responsibilities of the government to buy territory from a foreign power, can be capable of operating upon the mind of any senator or any member of the House of Representatives. Who is the senator to be auctioneered for, and who is the member of the House? Who is he? Sir, we have seen but little evidence of change of opinion, notwithstanding the temptation supposed to be attached to this appropriation. Whatever it may be—and it will be announced in the progress of the bill—I feel myself called upon to repel, and I do repel, any charge of this kind, if it was intended to be made either against the intentions of the bill, or any member of that committee. That committee is known to the country. I am proud of the association which I have had with its members—many of whom have served their country in the highest places of honor, abroad and at home. I think when their names are announced in every quarter of this wide-spread country, they will carry the vindication with them from any aspersion made against them in reference to their purpose, or the purpose of any bill they have presented to this body.

Sir, I beg pardon for being withdrawn from really the only question which the amendment ought to have brought up in argument; which was the question of what is the southern boundary of New Mexico, and the northern boundary of Texas. The senator from Missouri [Mr. BENTON] contends that it is the mouth of the Puerco, about 300 miles above El Paso, upon the Rio Grande. I contend that it is at the El Paso, or possibly a league above it. Now, sir, the senator relies upon maps, to which the senator from Texas has given a full and, I trust, satisfactory answer this morning. With regard to the maps of Humboldt and General Pike, it is manifest from these maps themselves, as well as from the journal of the travels of the officer—an American officer—that the result of their information was imperfect, loose, and unsatisfactory. The truth is, as has been remarked before to this body, with regard to the boundaries of the various provinces and subdivisions of Mexico, whether under the *regime* of Spain or of Mexico, there was never a certain demarcation of the limits. The exterior limits of these various provinces or subdivisions were scarcely ever marked—perhaps not in one instance. Sir, I have thought it totally unnecessary to go into a consideration of what the maps of Humboldt or Pike may say, or any other traveller or tourist, because I have, and mean to show to the Senate, authentic and incontrovertible documents as to the fact of the line—the true line of New Mexico being at El Paso, and consequently the line of Texas being there, supposing New Mexico to constitute no part of Texas. Now, sir, the first document which I have to establish this fact is the copy of a decree made by the Congress of Mexico as far back as the year 1824, and consequently before any question could arise there on the part of Texas or the United States in respect to the title. This is a translation:

DECREE OF THE 27TH JULY, 1824.

Demarcation of the treaty of the province of Chihuahua.

The sovereign constituent Congress of the United Mexican States has decreed, "That the territory of the province of Chihuahua shall be composed of all that comprised within straight lines drawn from the east to the west of the point, or pueblo, called Paso del Norte, on one side, with the jurisdiction which it has always had, and the haciendas of the Rio Florida, on the side of Durango, with its respective *pertinencias*."

But, sir, this is not all. The treaty itself which was negotiated—the treaty of Guadalupe Hidalgo—contains an express allusion to the line of El Paso, as being that which constitutes the southern boundary of New Mexico. I will read from the treaty:

ART. V. The boundary line between the two republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence, up the middle of that river, following the deepest channel, where it has more than one, to the point where