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IN CONGRESS OF THE U. STATES.

Thirty-First Congress—First Session.

THURSDAY, SEPTEMBER 26, 1850.

SENATE.

On motion by Mr. FOOTE, the reading of the journal was dispensed with.

The CHAIR presented the memorial of Cross, Hobson, & Co., merchants, setting forth that certain duties on goods were exacted from them in California, by agents acting under the orders of Colonel Mason, the military and civil governor of California, and praying the passage by Congress of an act directing that said duties should be refunded; and the memorial was referred to the Committee on Finance.

The CHAIR laid before the Senate a communication from the War Department, being a report, made in pursuance of an act of Congress, showing the appropriations and expenditures of the department during the fiscal year, ending 30th June, 1850; which was read, and ordered to be laid on the table.

REPORTS FROM COMMITTEES.

Mr. YULEE, from the Committee on Naval Affairs, to whom had been referred the memorial of Julius Meiere, asking remuneration for office rent, &c., while a professor of mathematics in the navy, and of the officers of the sloop-of-war Boston, asking to be remunerated for losses occasioned by the wreck of that vessel on the Bahama Islands, reported the same back, accompanied by adverse reports; which were ordered to be printed.

Mr. Y. also, from the same committee, made an adverse report on the memorial of John M. Glasson; which was ordered to be printed.

Mr. Y. also, from the same committee, to whom had been referred various petitions, memorials, and resolutions, in favor of granting bounty lands to officers, seamen, and marines of the navy, reported the same back as unfinished business.

And, on motion, the committee were discharged from the further consideration of the same.

Mr. DICKINSON, from the Committee on Finance, reported back, without amendment, the bill from the House making appropriations for the naval service of the United States.

Mr. DAWSON, from the Committee on Military Affairs, to whom had been referred the memorial of Mrs. Elizabeth Armstead, widow of the late General Walter K. Armstead, of the army of the United States, reported a bill for the relief of the legal representatives of General Walter K. Armstead, late of the army of the United States; which was read a first time by its title.

On motion by Mr. D., the bill was then read a second time, and considered as in committee of the whole. No amendment being made, the bill was reported to the Senate, and was read a third time and passed.

SWAMP AND OVERFLOWED LANDS.

On motion by Mr. SEBASTIAN, the Senate took up Senate bill No. 3, entitled "An act granting to the State of Arkansas and other States the swamp lands lying within their respective limits," which had been returned from the House of Representatives with the following amendments:

"1st. Strike out the following words in the first section: 'known and designated on the plats of the General Land Office as swamp lands.'

"2d. Insert after the word 'swamp,' in the fifth line of the fourth section, the words 'and overflowed.'"

The amendments of the House were then concurred in.

PRIVATE LAND CLAIMS.

On motion by Mr. DOWNS, the Senate, as in committee of the whole, proceeded to the consideration of the bill for the settlement of classes of private land claims within the limits of the Baron De Bastrop grant, and for allowing pre-emptions to certain actual settlers in the event of the final adjudication of the title of the said De Bastrop in favor of the United States.

Mr. FELCH. As this bill was reported by the Committee on Private Land Claims, I should be glad if the chairman of that committee would make some statement with regard to the object of the bill, and the operation it will have.

Mr. DOWNS. I will state, Mr. President, that this bill amounts to nothing more than applying laws which already apply to all other lands in Louisiana to the lands situated in the Baron De Bastrop's claim. Those laws have not heretofore, on account of the pendency of this claim, been applied to these lands. The land offices have never taken up and considered questions relating to those lands on account of the pendency of a suit for settling the original title. There is now a strong presumption, on account of one decision which has already taken place, that the final decision will be against that grant. The object of this bill, therefore, is merely to place the occupants of these lands precisely upon the same footing with other settlers outside of the claim. The law is only conditional, and will have no effect whatever, unless the Supreme Court decides against the original grant to De Bastrop. Then it gives no rights. It only authorizes the Land Office to make a report to the Courts who are to act upon the titles. There is no question about the propriety of the law. It is only extending to the persons who occupy those lands the same laws which apply to others, and which have not heretofore applied to them, because they occupied this grant.

Mr. FELCH. I will inquire, further, whether the matter has been examined at the Land Office, and whether any report has been made upon it?

Mr. DOWNS. There has been a full report from the committee; and, in fact, the bill was drawn up by the Land Office, after a full examination of the whole subject.

No amendment being offered, the bill was reported to the Senate, and ordered to be engrossed for a third reading.

THE BOUNTY LAND BILL.

Mr. SHIELDS moved that the Senate resume the consideration of the bill granting bounty lands to the officers and soldiers who have been engaged in the military service of the United States.

Mr. CASS called for the yeas and nays upon the motion to take up this bill, but withdrew the call, and the bill was taken up.

Mr. SHIELDS hoped the bill would be permitted to pass without further discussion or amendment.

Mr. YULEE. I ask pardon of the honorable senator from Illinois; but I have an amendment to offer which, I believe, meets with his approbation. It is intended only to furnish another guard for the security of those for whose benefit the bounty is intended.

It is intended as an additional section, to come in at the end of the bill, as follows:

"*And provided further*, That no patent issued under this act shall be delivered upon any power of attorney or assignment passed before the passage of this act, and that all such powers of attorney or assignment shall be considered and treated as null and void."

I will state the object of this amendment. The purpose is simply this: As soon as this bill passed in the House, I am informed by letters which I have received, that persons distributed themselves through the interior of the country, where the intelligence had not been received, and procured powers of attorney and assignments from those whom they knew to be interested, at very low prices. In a letter which I have, it is stated that these transfers have been made at from $20 to $50 from parties entitled to the bounty; and the object of this provision is to prevent any action of the department on powers of attorney dated prior to the passage of this act, so that parties may have it in their power to review the agencies they have authorized, and take such steps as may be necessary to protect their interests.

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

Mr. YULEE. I have another amendment to offer, which is to insert the word "military" between the words "any" and "land warrant," in the twenty-third line of the first section, so that it will read:

"Provided the person so having been in service shall not receive said land, or any part thereof, if it shall appear on the muster-rolls of his regiment or corps that he deserted, or was dishonorably discharged from service, or if he has received or is entitled to any military land bounty under any act of Congress heretofore passed."

I propose to insert the word "military" because there are several other species of land warrants, to which it is not proper that this provision should apply.

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

Mr. DAWSON. I now move to renew the amendment which I withdrew at the request of several friends to the bill—to add, in the proper place, the words, "legal representatives of the deceased." The object of the amendment is, that if the soldier has died, leaving a widow and children, they shall have the same rights that the soldier would have had if he were still living.

Mr. WALKER. I think the object aimed at by the honorable senator from Georgia will be substantially accomplished by an amendment proposed by the committee, and already adopted, which extends the benefits of this bill to the widows certainly, if not to the children also.

Mr. DAWSON. The widow, not having married again, will be entitled under the bill as it now stands. But the object of this amendment is, to put this benefit upon the nature of a legal right for services rendered by the soldier, and that when he happens to die the widow or children or legal representatives shall be entitled to what he would have been entitled to if still living.

Mr. WALKER. I have only to say that that will give the bill much more extended operation than I think the House of Representatives contemplated.

Mr. DAWSON. I will only reply to that suggestion that if we give the public lands for the purpose of benefiting those who have fought the battles of our country, we ought to give them to all. As I have repeated twice already I believe upon this floor, the widow and children of the deceased soldier deserve, even more than the soldier himself, the protection of this government; for while he is still living he has the power to protect and assist them himself.

Mr. WALKER. Mr. President, I do not intend to deny the doctrine of the senator from Georgia, that widows and children are more entitled to these lands than the soldier, but I presume that he does not intend to say that they are so entitled because they are soldiers. Now this bill proposes to give land to soldiers, as a bounty for their services. But the senator from Georgia says, why not give lands to all? Very well; that is my doctrine precisely. I offered an amendment the other day, when this bill was up for consideration before, imbodying that doctrine; but I believe the senator from Georgia voted against that proposition. But, sir, this bill proposes to go upon the principle of giving land to the soldier because he is a soldier. These widows and children are not soldiers; and for that reason I am opposed to providing for them in this bill, or at any rate upon that pretext. If we give them the land at all, I propose giving it to them, because they are entitled to it, as a portion of the people of the United States.

Mr. FOOTE. I am decidedly in favor of this amendment. I could give reasons for it at large; but I will confine myself to reading a memorial which I have in my hand, which bears directly upon the point, and which I find the present, therefore, the best opportunity to present.

[Mr. F. here read the memorial referred to.]

Such is the object of this memorial, and such are the reasons which I would have given for the propriety of this amendment. As it is, I will make no speech upon the subject.

Mr. FELCH. Mr. President, I wish to call the attention of the Senate to the amendment at the 19th line of the 2d section, which has already been acted upon by the Senate, which reads:

"But not to her heirs, nor to the heirs of such commissioned or non-commissioned officer, soldier, or musician."

I believe that is the identical proposition of the senator from Georgia. If so, the Senate have already acted upon it, and done what is equivalent to rejecting the amendment. It is not, I presume, the intention of the friends of this bill to provide for a system of general land distribution, according to the doctrine of my friend from Wisconsin, [Mr. WALKER.] The purpose I understand to be to provide simply for those who have served their country in the several wars which we have had. Now it is proposed to give lands to the heirs of those who have served in any war, without respect to their condition or necessities. It is not to those who have been made orphans by that service, but simply to those who can claim this distinction—that they are decendants, no matter how remote, of those who have been in the army, during any of these wars. This bill includes the soldiers serving in Wayne's army in 1795. That war was half a century ago. Few who served in it still survive. The first generation of the decendants are now old men. The second generation are also entered upon the stage of action in the ordinary pursuits of life, having in turn their own decendants. Now we are called upon to give land to all the decendants of those men, not because any of them have done service to the country, but simply because their fathers or grandfathers were engaged in that war. But, sir, almost every body is the decendant of somebody who was engaged in some of these wars. Probably every member of this Senate may be so descended; and if this amendment should be carried out in the full sense of its terms, it would be very nearly equivalent in effect to the proposition of the senator from Wisconsin. We have dealt very liberally with the revolutionary soldiers by our pension system, but we have never thought of conferring pensions upon all their descendants, merely by way of distinction; and yet there is no reason why we should not do so, if this principle is good.

Mr. DAWSON. There is a great difference between the senator from Michigan and myself. I live in a State which was in existence during the revolutionary war and the war of 1812; he lives in one which is of a later day. The inhabitants of his State are the descendants, no doubt, of those of the older States to a great extent; but the widows and destitute orphans of those who fought in those wars have not been in a condition to emigrate to the West, and to secure themselves homes in that new and flourishing country. They are still found among us; they are still in want; and it is for their benefit that I am anxious that this modification of the bill should take place.

There is also a strange discrimination made in the bill between widows who marry again and those who do not. If they get married, I suppose that is to be considered their good fortune, and because they are fortunate you deprive them of their rights. This is unpardonable. Those who happen to be old and ugly, and who consequently do not get married, are favored. This is creating a distinction, an aristocracy, not of youth and beauty, which might perhaps be tolerated, but of old age and ugliness, which is intolerable. [Laughter.]

Mr. WALKER. Mr. President, it seems to me that the senator from Georgia has not shown that tact and judgment in framing this amendment which usually distinguish him. He extends it to all the legal representatives. Now that will embrace collateral as well as lineal relatives. A soldier of the war of 1812, you look to see first if he has any children, and if he has none, then if he has any grandchildren; and if these are wanting, you go back to his parents and ascertain if he had brothers or sisters; and if there are none of these, then you go back to his grand-parents to find what descendants of theirs are in existence; and before you have done with it, you may find that you are rewarding the descendant of a rank tory of the revolution. You may in this manner be conferring these bounties upon a very unmeritorious class of persons. Besides, sir, under the distribution of property which takes place by our laws of descent, the right to these grants would be split into a thousand divisions, and become worthless to the grantees, while they would cause endless vexation to the land office. I am opposed to the whole thing. I am certain that if the senator from Georgia had properly reflected upon his amendment, he would not have offered it in its present form. I propose before I take my seat to move an amendment to the amendment, which is to strike out "legal representatives" and insert "minor children."

Mr. BRIGHT. I think the fate of this measure depends upon two contingencies. The first is, that the true friends of the measure sit still and leave its enemies to debate it. The second is, that every amendment now attached to the bill, and which has been added to it since it came from the House, should, when we go out of committee, be stricken out, and that we pass the bill just as it came from the House. I have believed ever since the bill was taken up in the Senate that the only hope of passing the measure at this session at all would flow from the course which I have indicated. Entertaining that opinion, I have uniformly voted against every amendment which has been adopted, although there are several to which I would gladly have given my support if I had had my choice. I have uniformly voted against each amendment, and shall continue to vote against every amendment as it is offered, and when we come out of committee I shall move and advocate the rejecting of every amendment which has been attached to the bill.

Mr. CASS. I merely rise to express my coincidence in the views expressed by the honorable senator from Indiana. I do indeed hope that every friend of the bill will content himself with voting and not talk, and that we may at once come to a final vote upon the bill. The honorable senator from Georgia is not actuated by any desire to promote the bill. Do what we will for it, he will still vote against it.

Mr. DAWSON. The senator from Michigan is mistaken. If he will put the women and children in the bill, I declare to him in good faith that I will vote for it.

Mr. CASS. If I thought the bill could pass with the amendment, I would myself cheerfully vote for it. I merely want to make one other remark. The senator from Georgia asserts that there are more of the widows and children of the soldiers of the war of 1812 in the old States than there are in the new. Let me tell him that he cannot know that. I believe that no State, would exhibit a greater proportion of these persons than Ohio and Kentucky. You and I, Mr. President, know that fact—or I beg pardon for saying that you know it, sir; you must have learned it as a historical fact.

Mr. SHIELDS. I have avoided any discussion upon this and other amendments for the reason that it is my intention when the bill comes out of committee to make a motion to get rid of all the amendments. I state this to the friends of the bill. That is my object, and the reason why I avoid discussion. We have no time for discussion.

Mr. WALKER. If that is the object of the friends of this bill, let me tell them that they cannot pass it.

Mr. CASS. That settles the question.

Mr. WALKER. I say this with no ill feeling towards the bill; but it is not just to the country, it is not just to ourselves, it is not just to the individuals whom we propose to benefit, for gentlemen to take the position that they will take the bill as it came from the House, because they cannot pass it in any other form, and that they will not deliberate upon it as statesmen ought to do. As the bill came from the House, it throws into circulation a vast currency of land warrants or *assignats* for the purchase of public lands. I do sincerely hope that the friends of the bill do not intend, when the bill comes into the Senate, to strike off the amendments which the committee have reported, and leave these land warrants to be negotiated and pass into the hands of speculators, and not turn at all to the benefit of those contemplated in the bill. That is what I object to. Gentlemen may suppose that I am actuated by deadly enmity to this bill, but they are entirely mistaken. I will say to the special friends of this bill, that if they class me among the enemies of the bill, they are mistaken. What I wish to avoid is, to prevent a peculiar species of currency from being created which will be especially injurious to the western States, and rather than see that done, I would see the bill fail. The senator from Michigan says "that settles it." I will tell him that if an effort is made to press this bill through without discussion, and without proper amendments, I will make my words good. I did not mean to say dictatorially that my voice would settle it, as the senator from Michigan intended to intimate. But, sir, I can keep on my feet and talk as long as any other man upon this floor, of my physical ability; and I will tell the honorable senator that rather than see a rank injustice done to the people, to the benefit of the speculator, I will exert that power. Gentlemen may speak as slightingly as they choose, but they will find, if they undertake a legislation to flood the country with a vicious circulation, and to put the gag in in our mouths, and the halter upon our necks, and to drag us into the measure, that there are minds that can be excited, and means that can be used to defeat the intention, little as they may be respected. For one, sir, I am determined to defend the policy which I think is right. Gentlemen may, for the purpose of passing an "old soldiers' bill," and for electioneering themselves into favor over the country, do an injustice if they please; but I hope that there are others who will not enter into the project. I hope, sir, the amendment which I have offered will be adopted, and that it will be acceptable to the senator from Georgia himself; that is to strike out the words "legal representatives," and insert "minor children."

Mr. CASS. Mr. President ——

Mr. SHIELDS. I only want to say one word.

Mr. CASS. It is only one word that I want to say. [Laughter.] I want to say simply that the honorable senator from Wisconsin has shown a wonderful degree of zeal, which, so far as respects me, was, I think, quite unnecessary. He said that this bill should not pass; and I said that settles it.

Mr. WALKER. It was the manner in which it was said.

Mr. CASS. I do not know how that is. It is a very strange thing for any gentleman to get up here and tell the Senate that a bill shall not pass. I did not suppose that he seriously meant to threaten the Senate. I did not believe that the honorable senator meant exactly what he said. I supposed it was one of those sudden and ill-considered expressions which we are all liable to make when under excitement; and I merely said in reply, that settles it.

Now, Mr. President, with respect to what any gentleman may say about our stopping discussion, and all that: Stopping discussion—of what? Every member upon this floor understands just as well as the senator from Wisconsin—just as well as I do—the whole merits of the subject; and every one who chooses to do so will make a speech upon it. I have had too much experience upon the subject to doubt that. I have not even any doubt that the gentleman can, if he will, prevent our action upon the bill by talking it down; and if he does, I cannot help it; but I will ask whether he would consider it a matter of justice or of expediency to embarrass in that manner the wishes of the majority of the Senate? Many of these amendments may be good in themselves; and if gentlemen will bring in a separate measure to secure the objects which they aim at, I will, if my judgment approves it, vote for it; but I do not want to overload this bill in such a manner as to fail of final action upon it at this session. But, sir, the object is not to amend the bill. Notwithstanding the pretensions made by some, they are still opposed to the bill, and desire to kill it; and I concur with the honorable senator from Indiana, that by putting amendments upon this bill we shall be very likely to kill it, and I hope the friends of the bill will dispense with them.

As respects what the honorable senator says about the "old soldiers' bill," I confess, sir, that I am in favor of the old soldier. My sympathies are with him. My recollections are with him, and my sense of justice is with him. I am exceedingly anxious to pass the bill, and I trust the Senate will pass it, and take it as we can get it without amendment.

Mr. DAWSON. Mr. President, I had no idea, sir, that my friend from Michigan would find himself so unequally yoked on the other side of the chamber that he would take me up along with the senator from Wisconsin, in order to show how handsomely he could manage both of us. [Laughter.] He says that notwithstanding the pretensions made by some, they are still opposed to the bill. I desire to know of the honorable senator if he alluded to me in that statement.

Mr. CASS. I did. What I meant was this: I have no doubt that the honorable gentleman, after what he has said, will vote for the bill, if the widows and children are included; but I have no doubt, on the other hand, that he would rather the bill should not pass at all.

Mr. DAWSON. That is a very strong argument in favor of the measure which I propose. I very candidly stated to the honorable senator that if this amendment were adopted I would vote for the measure. The authority to inquire whether I would do so or not is not, I believe, a parliamentary right; but out of courtesy to the honorable senator I replied to his question. The honorable senator, after receiving that answer, has not acted quite so courteously towards me as I supposed he would have done, when he talks of my pretensions. I will state to him, however, and to the country, in order that there may be no misunderstanding upon the subject, that the idea which I threw out the other day is not without force—that those who are living have gratitude and votes to give, while those who are dead have not. If this bill is passed without the amendment which I have offered, it will be a violation, in my judgment, of the rights of the deceased soldier; and I do not believe it will receive the approbation of the people of this country.

Mr. UNDERWOOD. Mr. President, I wish to make some remarks upon this subject. This bill is a testimony of gratitude—is a bounty. It is not the prformance of a past contract, although it results from gratitude for past services. Now, sir, I believe the bill is very popular among my constituents. I believe, from all the indications which I have received, that it is among the most popular measures before this body. I will not even say with my friend from Georgia, that if it can be amended I will vote for it. I intend to vote for it in either event. But, sir, I am very anxious to amend it. I would rather postpone it until the next session, and have it passed with appropriate modifications, than pass it now as it is; because I believe, sir, that if you refuse to make the amendments to this bill now, while we have it before us, it is very doubtful whether we shall ever pass another bill to make the necessary rectifications, and there are certain modifications which I feel extremely anxious to see made. For example, I am anxious to have retained the amendment which I offered, and which was adopted the other day, to provide for those who were kept by the Indians—some eight, ten, twelve, and some as many as twenty-four months.

Now, sir, let me give you another case. I know some of these men who were under arms in these wars, and I knew some who are dead, leaving widows and children in my neighborhood—some of them minor children, and poor. Now, Mr. President, I wish you to fancy the scene which will take place, on my return home, between me and these widows and children, if this bill is passed without amendment. They will say to me: "So, I understand, you have passed an army bill—an old soldiers' bill. Do I get the share which my husband or my father would have been entitled to if he had lived? Is it coming to me or to my children?" I shall have to answer, "No." "Why not?" will be the inquiry. "Did he not serve as long and as faithfully as those whom you have provided for? He died, it is true, before the passage of this bill; but why make the distinction?" I must say to the poor widow, "It is true, your husband is dead, and you lost a great deal by his death. You lost a support for yourself and your infant children, and the government, in distributing its bounty, forgot your condition, passed by you, and rewarded those only who were living." Who does not perceive, sir, that I should be placed, at such an interview, in a most trying and unpleasant condition? I confess, sir, that I cannot consent to let this description of persons pass unprovided for in this bill, when they have the same claims upon our consideration that the surviving soldiers have. I would prefer letting the bill lie over for two months; and I protest against the efforts to get the bill through in any shape, under the pretext that, unless we do so, it may fail. I have no faith in what is said about providing by another bill for those who are not provided for in this. Now, having made these remarks, I confess that I would prefer modifying the amendment of the senator from Georgia, so as to provide for widows, if there be any, and, if there be no widow, then for the infant children. But if there be neither widow nor infant children, I am not for extending the provision to collaterals. I am in favor of limiting it to widows and minor children.

Mr. DAWSON accepted the amendment as follows:

"Section 1, line 3, insert after word 'survivors,' the following: 'or the widow or minor children of deceased.'"

Mr. FOOTE. I simply rise to beseech senators to let this discussion stop. We have a large number of important measures to be adopted between now and the close of the session, and we have only two or three days within which to transact a great deal of business vital to the welfare and prosperity of the country. It is absolutely certain that if we consume so much time in debate as gentlemen seem inclined to do, we shall be most grievously disappointed. I am as fond of speaking as any man in this body, and upon suitable occasions, when we have time, I have been very much in the habit of speaking *ad libitum*. But I do think that at the present time it is most objectionable and most censurable for gentlemen to waste the public time and money by making long speeches here upon every measure before us. For my part, fond as I am of speaking, I have been habitually silent for a week or ten days past, and shall be so to the end of the session.

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

Mr. PEARCE moved to add to section 2 the following:

"And that any officer, private, or musician, whether of regulars, volunteers, or militia, who has actually been under fire in any engagement with the enemy, shall be entitled to 160 acres of land."

Mr. P. said: Mr. President, I will not detain the Senate by stating all the considerations which have induced me to offer this amendment, but I will state a few reasons. The bill provides for giving bounties to those who have served in the army, without reference to the character of the service they have undergone. I think that those services best entitled to reward are those which have been most useful to the country and most dangerous to the individual. You give large amounts of public lands to a soldier who has served, although he may have been in the garrison every day for the twelve months—although he may not have smelt gunpowder, or been within reach of the longest cannon shot during the whole time; but you exclude, by the provisions of your bill, from all participation in the bounty those men who have fought, and bled, and almost died in the service of the country. We know very well that some of the most brilliant achievements of the last war have been performed by men who were not regularly enlisted, or called out as volunteers even for three months. Some of the most brilliant achievements have been performed by men called out on the spur of the occasion to resist sudden invasions, in which they have distinguished themselves by repelling the enemy, and in fact covered themselves, as the Spanish Americans say, "with imperishable glory"—by men, each one of whom was as full of courage as the oldest officer in the army, and as full of patriotism as the oldest senator of this body, which is the strongest figure I can use. But I will pursue this no further than to say that, if we are to give the bounty to anybody, we ought to give it to the men who stood under fire in the times that tried men's souls, rather than to those who have wasted their time in the holyday exercises of the garrison.

Mr. BALDWIN. I rise to offer an amendment to the amendment of the honorable senator, by inserting after "musician" the words "or any naval officer, seaman, or marine."

Mr. PEARCE accepted the modification, and the amendment was then agreed to.

Mr. WALKER moved to strike out from the third section, fifth line, the words "*or certificate of entry on* such warrant or certificate," so as to read:

"That all sales, mortages, letters of attorney, or other instruments of writing, going to affect the title or claim to any warrant or certificate hereinbefore provided for, made or executed prior to the issue of the patent, shall be null and void."

Mr. W. said: To explain my desire and meaning in this respect, I will state that this warrant, when issued, goes into the hands of the soldier himself, but may also be delivered to anybody who takes to the office a certificate of entry made upon it. He carries it immediately back to the soldier, who makes his assignment, his transfer; so that in fact the negotiable feature of the warrants will be left, unless these words are stricken out. What I wish to get at is, that any transfer shall be null and void prior to the issue of the patent.

The amendment was agreed to.

No further amendment being proposed, the bill was reported to the Senate.

Mr. SHIELDS. Nothing will provoke me into a discussion now, at this stage of the session, on this bill. I simply want to say that some of the amendments are inconsistent with others, or with portions of the bill, and that, if the bill passes in its present shape, no man can either calculate its effect, or the quantity of land which will be required under it. I repeat again that I will call on the friends of the bill in the Senate to get rid of all the amendments, and to pass the bill as it came from the House. As the bill came from the House of Representatives, it was comparatively reasonable; as it stands now, I confess I cannot understand it myself. I hope the question will be taken upon all the amendments together.

The PRESIDENT. That can only be done by unanimous consent.

Mr. SHIELDS. If any one wishes to reserve an amendment, I hope he will designate it and reserve it. I suggest this merely for the purpose of saving time.

Mr. HALE. I wish to reserve the amendment relating to granting lands to sailors. I do not want that mixed up with anything else.

Mr. DAWSON. The right of the widows and children I wish to have acted upon separately.

Mr. RUSK. I do not intend to detain the Senate; but I desire to say that if we had time to accomplish the object and pass these amendments, though I do not believe we have, I would vote for all those sought to be reserved. It seems to be the opinion of those who have charge of the bill that we cannot pass the bill at all, if any amendments are retained. In the shape in which it came from the House of Representatives, I am in favor of it. I am also in favor of these amendments, but they are of such a character that they can well be the subject of legislation hereafter. It is not more than sixty or seventy days before Congress meets again. Who is there that would vote against widows and children?

Mr. DAVIS, of Mississippi, (in his seat.) What can you do for them?

Mr. RUSK. We can put them in a separate bill at the next session of Congress; and they can go over to the next session just as well as heretofore.

Mr. BADGER, (in his seat.) Why cannot the men go over as well as the women and children?

Mr. RUSK. There is just this difference: If you pass these amendments now, they defeat the bill. But if you pass the bill as it came from the House, you guaranty the passage of the other bill at the next session of Congress. With this view, I shall vote against all the amendments.

Mr. HALE. I do not mean to make a speech. I will limit myself to three or at any rate to five minutes. I do protest with all earnestness against this principle, if these amendments are right. If it be right to give the land to the soldiers, the widows, and the orphans, why shall the sailors, the widows, and the orphans who cannot go to the ballot-box be postponed for a living soldier that can? I do not see any reason, sir. There is no reason. If the thing is just, let us do it; if it is unjust, let us refuse to do it. The men can wait as well as the women; the men can wait as well as the children. Who would refuse to do justice, from fear that if we do justice we shall be defeated in the other House? I have conversed with one or two gentlemen who take an interest in this matter, and who belong to the other House, and they tell me that the amendment for the sailors will not defeat the bill; that it will help it. The question will be, whether you will allow the House to concur with this amendment. If they do concur, it is all very well, and the bill may be passed without any objection in the House. If they non-concur, they will send the bill back to see if we will insist upon it. I hope that every one who considers the amendment right will stand by it, now and forever.

Mr. DAVIS, of Mississippi. I have been a little surprised at the argument made sometimes in debate that amendments should be rejected, and that provisions should be contended for, because they increase the popular feeling. There is nothing in it. It is perfectly unfounded. The soldier has no more a vote than the sailor. The soldier must leave the service before he can vote; and when the sailor leaves the sea he can vote. And still more is it unfounded in relation to the widows of soldiers. The bill as it stands provides for the widow and orphans of the soldier; and the right would only be lost when the widow dies. Now, I ask, who is it that is seeking votes?—those who strive to extend the right after the widow has become the wife of a living man, or those who seek to confine it to the widow when she has no husband and no votes? I repel the insinuation. It lies on the other side altogether.

Mr. UNDERWOOD. I am surprised at the remarks of my friend over the way. There are nine persons out of ten that will receive the benefits of this bill that are at home by their own firesides, and have been for ten or twenty years. They have been soldiers, and they are now a voting population. There can be no mistake about this. The sailor on board his ship at sea and the soldier in his camp upon the frontier are not voters while they are in actual service. But, whether soldier or sailor, if he has received his discharge and gone into private life, he is provided for in this bill, and he is a voter. They are at home. Ninety-nine hundredths of all the volunteers both in the war of 1812 and in the Mexican war, as well as in the Indian wars, are now at home. My friend has not examined these matters as I have done. The position is true as regards the sailor and soldier when in actual service, but a tithe provided for in this bill are not in actual service.

The first amendment, accepted by Mr. DAWSON, was stated as follows:

"Section 1, line 3, insert, after the word 'surviving,' the following: 'or the widow or minor children of deceased.'"

Mr. TURNEY moved to amend the amendment by striking out the word "minor" before "children."

The question being taken, upon division the amendment was rejected—ayes 12, noes not counted.

Mr. UNDERWOOD demanded the yeas and nays upon the question of concurrence with the amendment accepted by Mr. DAWSON; which were ordered, and, being taken, resulted as follows:

YEAS—Messrs. Badger, Baldwin, Bell, Benton, Berrien, Butler, Chase, Clarke, Cooper, Davis of Massachusetts, Davis of Mississippi, Dawson, Dickinson, Dodge of Wisconsin, Downs, Foote, Greene, Hale, Hamlin, Houston, Mason, Morton, Norris, Pearce, Pratt, Seward, Spruance, Sturgeon, Turney, Underwood, Wales, Walker, Winthrop, and Yulee—34

NAYS—Messrs Atchison, Bright, Cass, Dodge of Iowa, Ewing, Felch, Fremont, Jones, Rusk, Shields, Smith, and Whitcomb—12

So the amendment was concurred in.

Mr. CASS suggested that the amendments be allowed to go without opposition. This vote had decided their fate.

Mr. SHIELDS. I have no objection. I am willing that the vote should be taken upon them all.

Mr. WALKER. I can assure my friend that this bill will get seven votes in the House which it would have lost if that amendment had not been concurred in.

Mr. HALE. I want the sailor voted upon separately. I do not want him to be mixed up with anything else.

Mr. EWING. I wish to say that I should have voted for the last amendment, but for the reason that a single amendment would send the bill to the other House; but as it is now necessary that it should go back, it may as well go back in any form as with but one amendment. As it is now, I am content that all the amendments should be voted in which were adopted in committee. I shall vote for them all if presented together. Let us waste no time upon them.

Mr. BRIGHT. To prevent the vote I have given from being misunderstood, I wish to say that I am in favor of the principle involved in that amendment. I wished no amendment to be made to the bill, or I should have voted for that amendment. I am willing now to vote for the amendments, one after another, or all together. It is immaterial.

Mr. HALE. I am going to suggest that the most effectual way to show a man's friendship for a measure is to vote for it. One vote is worth half a dozen speeches. If I am in favor of a measure, I vote for it. Votes are worth something, while speeches cost but very little. I hope those who are in favor of the amendments will vote for them and stick to them.

Mr. RUSK. I will make no apology for giving the vote which I gave. I am not alarmed at the annunciation of the senator from New Hampshire. So far as I am known, everybody knows that I am in favor of the women and children as much as the men. [Laughter.]

Mr. BENTON. I voted in favor of concurrence without suspecting that there would be such a consequence attached to it. I therefore move a reconsideration; and I shall vote against it in that point of view.

The question being taken, the Senate refused to reconsider.

The question was then stated upon all the amendments, excepting that reserved by Mr. HALE.

Mr. PEARCE asked to have his amendment excepted.

Mr. SEWARD requested that his own should also be excepted.

After a few moments consultation, all the reservations were waived.

Mr. BRIGHT. Soon after I had made the remarks I made a few moments since, the senator from New Hampshire [Mr. HALE] stated that the proper way was for a senator who was in favor of a measure to vote for it, and not to offer apologies for voting against it.

Mr. HALE, (interposing.) Why, Mr. President, I said no such thing at all—nothing like it.

The PRESIDENT. The senator from New Hampshire must not interrupt the speaker.

Mr. BRIGHT. I wish to hear an explanation, if the senator desires to offer one.

Mr. HALE. I said that when I wished to show my friendship for a measure, I voted for it, and that one vote was worth half a dozen speeches.

Mr. BRIGHT. It was intended, of course, as an indirect lecture to those of us who voted against the amendment, although we were in favor of the principle in a different shape. It either meant that, or it meant nothing. I concur in the view of the gentleman, and only regret that that senator, this session, has made common war upon every principle that looked to a general adjustment of the unfortunate questions which disturbed and agitated the country, and when the voting was to be done left for his home, and left the residue to settle the question.

Mr. HALE. I wish to state that I staid here until every question was settled, until the fugitive-slave bill, and recorded my name upon all the measures.

The question being then taken, the amendments of the committee were concurred in.

Mr. MASON. I am obliged now, sir, to offer the amendment which was rejected in committee by a small minority of the Senate, in relation to the military land warrants of Virginia. The question was then discussed and its merits understood; and from the tenor of the debate I understand that the greatest objection made to it was from the fear that it would kill the bill to incumber it with any amendments. Since then I have been gratified by receiving the assurance of the senator from Michigan, [Mr. CASS,] and I believe also of the senator from Illinois, [Mr. SHIELDS,] the chief patrons of the bill, that if any amendments were adopted to the bill, they should allow this to be adopted, so far as they were concerned. I offer the amendment now in the Senate. It comes in as an additional section.

The amendment was read as follows:

"SEC —. *And be it further enacted*, That all unsatisfied outstanding land warrants which have been heretofore issued, such as may issue on claims allowed before the passage of this act, and the residue of all such warrants as have been partly satisfied under the provisions of the second section of an act appropriating for the civil and diplomatic expenses of the government, passed third March, eighteen hundred and thirty-five, and have been issued by the State of Virginia, under the laws thereof, for services performed in the war of the revolution, may be surrendered to the Secretary of the Interior within two years from the passage of this act; and it shall be the duty of said Secretary to issue thereupon to the owners of such warrants scrip at the rate of one dollar and twenty-five cents per acre for each acre called for by said warrant; which scrip shall be receivable in payment for any lands subject to sale at private entry in the States of Ohio, Indiana, Illinois, Michigan, and Wisconsin, and shall, moreover, be assignable by endorsement, attested by two witnesses. In issuing said scrip, the said Secretary is authorized, where there are more persons than one interested in the same warrant or tract, to issue to each scrip for his or her portion; and where infants, or femmes coverts, may be entitled to scrip under this act, the guardian of the infant, and the husband of the femme, may receive and dispose of the same."

Mr. WALKER demanded the yeas and nays upon the amendment, remarking that it proposed to establish paper currency.

The yeas and nays were ordered.

Mr. BALDWIN. Mr. President, when this question was before the Senate as in committee of the whole, I objected to the adoption of the amendment proposed by the senator from Virginia, [Mr. MASON.] The subject-matter of that amendment was, at an early period of the session, referred to the Committee of Claims. That committee authorized a bill to be reported to the Senate to provide for the satisfaction of all these warrants which were issued prior to the year 1792, but they were opposed to making any provision for warrants issued subsequently to that time. In my opinion the decision of the committee was correct. The State of Virginia during the revolutionary war raised troops on her quota of the continental line; she also raised troops on what was called her State line; and she promised bounties for those who served not less than three years or to the end of the war, in the following ratios: to major generals 15,000 acres of land, to brigadier generals 10,000 acres, to colonels 6,666 acres, to lieutenant colonels 6,000 acres, to majors 5,333 acres, to captains 4,000 acres, to subalterns 2,666 acres, to non-commissioned officers 200 acres, and to privates 100 acres, with an addition of one-sixth more, if they continued in service for a period of six years. To pay these bounties the State of Virginia set apart in her territory, afterwards ceded to the State of Kentucky, 9,728,000 acres; and to satisfy any deficiency that might occur, she reserved in her deed of cession of the North-western Territory 3,704,484 acres in the State of Ohio, between the Little Miami and Scioto rivers, for bounties to her troops of the continental line. In 1792, Virginia abandoned to the State of Kentucky the land which she had thus set apart within the limits of that State for the payment of these bounties. The quantity of land given up to Kentucky at that time amounted to about eight millions of acres. Afterwards, when the