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The Daily Union.

VOLUME II. "LIBERTY, THE UNION, AND THE CONSTITUTION." NUMBER 226.

CITY OF WASHINGTON, SATURDAY MORNING, JANUARY 8, 1853.

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IN CONGRESS OF THE U. STATES

Thirty-Second Congress—Second Session.

WEDNESDAY, JANUARY 5, 1853.

[IN CONTINUATION.]

SENATE.

LUCRETIA BARTON AND PRUDENCE BLANDON.

Mr. DAVIS. I ask the indulgence of the Senate to take up a bill which will cause no debate; if it does, I will consent to have it postponed. It is a measure which has been before this body for some time, and there is an amendment which is proposed to be offered to it. It is Senate bill 301, authorizing the Secretary of the Interior to issue duplicate land warrants in certain cases. It is a bill of considerable importance to certain individuals, and ought to have been passed long since. I move to postpone all the prior orders for the purpose of taking up that bill.

The question being then taken, the prior orders were postponed, and the Senate took up, and proceeded to consider as in committee of the whole, Senate bill No. 301, being "A bill to authorize the Secretary of the Interior to issue duplicate land warrants in certain cases;" which was read.

Mr. DAVIS. I now offer the following as a substitute for the whole bill: strike out all after the enacting clause, and insert:

"That the Commissioner of the General Land Office be instructed to issue a duplicate of land warrant No. 2 244 for two hundred acres, dated February 2, 1839, in the names of Lucretia Barton and Prudence Blandon, sisters and heirs of Jacob Towne, deceased, in their own right, and for the benefit of other legal heirs, if any survive, upon satisfactory proof being given to the Commissioner that the original warrant has been lost or destroyed without first being assigned, and the said duplicate shall have the same effect as the original warrant."

I would observe that the original bill was reported in consequence of a petition from this Mrs. Barton, who was one of the sisters and heirs of Jacob Towns. These heirs applied for a land warrant, furnished the proper evidence, and the land warrant, as described in the amendment which I propose, was issued for their benefit and such other heirs as might be alive. That land warrant, in its transmission from this city to these persons, was lost. Satisfactory evidence has been produced by them to show the loss of the warrant, and it appears by the books at the Land Office that no entry has ever been made in virtue of that warrant. It being lost, they are unable to avail themselves of the grant of the government, and hence they come here asking for relief by a petition which was referred to the Committee on Private Land Claims, with certain correspondence upon the subject between these people and the Land Office. Upon reading that correspondence, the Committee on Private Land Claims came to the conclusion that it was better to make a general law upon the subject; and, contrary to my wishes, though I agreed to it, they reported the general bill which has just been read. That bill was reported to the body, with the understanding that if it should pass it would afford relief to these petitioners. But when it was taken up, and the subject came to be discussed, the chairman of the Committee on Public Lands [Mr. FITCH] had objections to it, and others also had objections to it. I now have his consent, and the consent also of the chairman of the Committee on Private Land Claims, to substitute this private bill, which I have offered by way of amendment, in place of it, because there is some disagreement of opinion in the land department in regard to the effect which the original bill, the general law, would have if passed. I have therefore gone from the general bill to the specific private bill for the relief of the individuals who ask for it. And as there can be no objection to it, I hope the Senate will adopt my amendment.

The question being then taken, the amendment was agreed to.

No further amendment being offered, the bill was then reported to the Senate as amended, the amendment of the committee of the whole concurred in, and the bill ordered to be engrossed for its third reading.

By unanimous consent, the bill was then read the third time and passed.

On motion by Mr. DAVIS, the title was amended so as to read, "A bill to authorize the Commissioner of the General Land Office to issue a duplicate land warrant in the names of Lucretia Barton and Prudence Blandon."

The title as amended was then agreed to.

HICKEY'S EDITION OF THE CONSTITUTION.

Mr. BADGER. I move that the Senate now take up the little resolution which I had the honor to submit on the day before yesterday, and which was passed over on account of some misapprehension on the part of the honorable senator from California [Mr. WELLER] as to the object to which it referred. It is a resolution ordering the purchase of a certain number of copies of Hickey's Constitution.

The resolution was then taken up.

The PRESIDING OFFICER (Mr. WALKER in the chair) stated that, as the resolution called for the appropriation of money, the rule required that it should have three readings.

The resolution was then read the second time as follows:

Resolved, That the Secretary of the Senate be directed to procure from the proprietors for the use of the Senate 10,000 copies of Hickey's edition of the Constitution, with an alphabetical analysis, the Declaration of Independence, the Articles of Confederation, Washington's Inaugural and Farewell Addresses, and other important statistical matter, illustrative of the genius of the American government and the development of its principles: *Provided*, That they be furnished at the same price as those last procured for the use of the Senate.

The Senate then proceeded to consider the resolution as in committee of the whole.

Mr. ADAMS. The Senate, I think, has distributed 10,000 copies of this work since I have been a member of this body. If there is any especial reason to be assigned for this new supply for distribution, I should like to hear it. We distributed 10,000 copies during the last session. I should like to know whether it is the intention of senators to distribute 10,000 copies of this work every year. If so, I think we had better adopt a standing order to that effect.

Mr. CHASE. As this resolution is open to amendment, I would suggest to my honorable friend from North Carolina, [Mr. BADGER]—I do not mean to move the amendment myself, but merely offer the suggestion to him—to insert in the proper place the word "biennially," so as to order the Secretary of the Senate to procure biennially 10,000 copies of this work for distribution. [Laughter.]

Mr. BADGER. I thank the honorable senator from Ohio [Mr. CHASE] for his suggestion, and will consider it and make up my mind by the time I offer my next resolution upon this subject.

Mr. DODGE, of Iowa. I do not think the Senate ought to adopt this resolution. I think we ought to put a stop to this purchasing of books by the Senate.

Mr. BADGER. I will admit that to be true in regard to every other book. [Laughter.]

Mr. DODGE, of Iowa. I think we have already carried this matter as far as it ought to be carried. This book has been furnished, time and again, so far as it is necessary to enable the officers of the government and the members of the Senate to discharge their duties properly; and as far as the use of this book is a matter of convenience to them, until the libraries and departments are filled with it. And as it regards the distribution of this book, I ask the Senate to reflect for a moment upon the sort of justice that is dealt out to the reading public of the great empire State of New York by the *pro rate* share that her two senators will receive under this resolution, and have received under previous and similar ones: think of this for a moment, and see how very unfair this distribution will be to them.

I have other reasons for opposing this resolution. I find that we have paid $27,334 for this work to a gentleman in the employ of this Senate, a gentleman for whom I have personally, officially, and in every other way, the very highest respect. There is no person to whom as an individual or a man I would rather have seen this large amount paid. But just look at the history of the matters connected with these publications which we have entered into so largely. If this book is necessary for the people of the United States, I ask why has not the House of Representatives, which comes most directly from the people, expended a fike or even a larger amount for the distribution of this work among the people than we have? They have not done it. No publication or purchase of the sort has ever been made by the House of Representatives. And the ordering of this small number from time to time by the Senate has the effect only of loading every senator's desk and drawer with applications from his constituents for this work, and subjects him to the charge, in the different neighborhoods and communities of his friends and constituents, of dealing partially and unequally by them, because he cannot do anything like justice and furnish them all with this work. This book is in the market; and if politicians and others want it, they ought to buy it and pay for it themselves.

I have the statistics here to show that more money has been paid for books furnished in this way for the use of the Senate than was appropriated under the river and harbor bill, about which so much fuss was made by some gentlemen here. The honorable senator from Maryland [Mr. PEARCE] introduced a proposition here, to be appended to one of the regular bills, to subscribe $30,000 for the "Annals of Congress," published by Gales & Seaton. We paid $30,000 for duplicate copies, extending from 1790 down to 1824, upon the motion of the honorable senator from Maryland, acting in behalf of the Library Committee. That passed without half the Senate knowing what they were voting for, just as the late and honorable senator from Missouri [Mr. Benton] said we passed this Congressional History, which is to be prolonged indefinitely, and thus $600 or $700 of books are to be given to each new member of this Senate, without this Senate knowing anything about it. Now, I think we ought to stop this book publishing. Every new member who has entered this body has received as many copies of this constitution as the old senators have received. They are all upon a par. If there is any new member here who has not received these books, I am perfectly willing to vote to give him as many books as the rest of us have received.

I will not take up the time of the Senate in discussing this question further. But I want to oppose this resolution now, as I shall oppose it hereafter for all time to come. I ask for the yeas and nays upon its adoption.

Mr. BADGER. I am very sorry that my friend from Iowa [Mr. DODGE] has thought it necessary to oppose this resolution. I think that two or three reasons which I can give will show him that it ought to be passed. In the first place, this differs entirely, in every respect, from each of the cases and abuses to which my friend has referred. He says that the proposition for the purpose of purchasing the "Annals of Congress," and some other books, passed here without the Senate knowing what it was they were agreeing to. Now, the various resolutions which I have introduced upon this subject have always been publicly read and plainly explained, and the Senate have always understood what they were asked to vote upon. And therefore I think it is hard, in relation to a public, open, well-known, fair, reasonable, just, and proper thing, to put upon it the odium of something else that was secret, unknown, and perhaps improper.

My friend says that these books have been purchased until they have been supplied to all the officers of the government, executive and legislative, and to all other persons interested in transacting the public business. Admit all that, and what then? Why, we do not want these books for members of Congress; we do not want them for executive officers; but we want them to distribute among our constituents; we want to furnish them to the people of the country, and spread them abroad among them. And I should be very happy, for one, if I could make the supply so large that every man in America, and every boy able to read, should have in his possession a copy of the constitution of his country, with the statistical information in relation to the origin of that constitution, and the main and principal features connected with its working out, which the edition of the work to which my resolution refers contains, and which I imagine can be found in no one private library in America.

And, in the next place, allow me to say, in accordance with the suggestion of a friend near me—for though I avail myself of the suggestion, I do not wish to take the credit for it—how can we, consistently with our oaths as senators, vote against this resolution? This is a resolution for the constitution, and we are imperatively bound to "support and maintain" it. [Laughter.] Now, I think that argument must be conclusive with my friend from Iowa, [Mr. DODGE,] and he cannot vote against it. [Laughter.]

Mr. DODGE, of Iowa. I propose to amend this resolution by inserting before the word "constitution," the words "book called the," so that it will read "10,000 copies of Hickey's edition of the book called the constitution."

Now, the constitution is an instrument for which I have as high a veneration as my worthy friend from North Carolina, [Mr. BADGER.] But I would ask, is there a copy of the statute laws of the United States, from California to Maine, which does not contain the constitution of the United States? Every single State and Territory of the United States have published these laws, and we find in the very commencement of every copy the constitution of the United States. I admit that it is not printed so beautifully, and has not so complete and convenient an index, as we find in the work now under consideration. But if we are to continue this purchase for the purpose of scattering the constitution of the United States all over the country, the work ought to be reduced in size, and the number purchased should be very greatly increased, and be regularly distributed.

Now, this is just like all the other abuses in regard to expense. Prior to 1847 not a copy of this work had ever been published and distributed. In that year 2,000 copies were purchased for $2,500; that number was procured to commence the work. In the latter part of the same year 10,000 copies were purchased for $10,000. In 1848, May 20, 100 copies were purchased for $100; June 13 of the same year 1,900 copies were purchased for $1,900. And then coming down to 1851, 499 copies were purchased for $499. That was just about the same time that this expensive matter of publishing the debates commenced. Then there is just about the like amount, nearly $30,000, paid for the Congressional Globe, which contains the constitution and the laws of the United States as an Appendix. And at the last session of Congress we passed a law allowing this work—the Congressional Globe and Appendix—to pass free through the mails. We now pay for all the reports of our debates and proceedings, and in addition to that we put the reporters, who come here to report for the papers which we employ to publish our debates, upon our list for receiving extra compensation. It seems to me that there is to be no end to the expenditure in regard to this matter of books and publications by order of the Senate. I hope that in reference to this book matter, we will put an end to it now by voting down this proposition to purchase 10,000 copies of this work, or it will be followed at the next session by another proposition of the same kind, and so on *ad infinitum*.

Mr. HALE. I wish to occupy the attention of the Senate but a moment. I wish to suggest an amendment to this resolution, though I will not offer it myself. When we speak of the constitution, we convey an indefinite idea by the use of the word "constitution." Now, the English constitution is made up to a great extent of ancient statutes required to give force to the written constitution; and as we are getting a little into that way, I do not think that our old constitution conveys the whole that we now refer to when we speak of the constitution; and to render this matter a little more explicit, I would suggest to the honorable senator from North Carolina [Mr. BADGER] that perhaps it would be well to insert in the proper place in his resolution, the words "and the fugitive-slave law," so that there will be 10,000 copies of the constitution and the fugitive-slave law purchased for the use of the Senate, to be distributed to the people, in order that they may be instructed in all the duties that they owe to this government. I think there has been a less number of copies of that law distributed than of the constitution. And as it is admitted now, that while the constitution created this government the fugitive-slave law saved it, I think they ought to go together to the people, and the people be furnished with both of them.

Mr. WELLER. I do not think there is any force in the suggestion of the honorable senator from New Hampshire, [Mr. HALE.] I think it would be better, perhaps, for the country to employ that senator to write out what is called the "higher law," and have that inserted as an appendix to this work. That "higher law" would then be much more generally understood by the country than it is now. As to inserting the fugitive-slave in this work, that will only enable the people to decide for themselves what the most of them now know, whether it is in accordance with the constitution. But there are a vast number of people who are profoundly ignorant of the exact meaning of this term "higher law," and in order to give the people of the country information upon that subject, I would suggest that that would be a more appropriate amendment than the one proposed by the senator from New Hampshire.

Mr. SEWARD. While I have very great doubts about the propriety of arresting the most beneficent operation in which I think the Congress of the United States is engaged—that is, the printing of information useful to the people—I am grieved as well as surprised to find that the opposition concentrates itself first against the publication of that which is the most important of all the information given to the people, viz: the constitution of the United States. There have been other lands than this that have been blessed with written constitutions, securing civil liberty to the people, and there have been other lands than this where the people of different States have been blessed with a confederated constitution; but there is no land but this *now* in which a written constitution securing civil liberty is preserved, with a constitution securing also a confederacy of the different States. And for this pre eminence of political felicity we are indebted to the fact that we have practically universal suffrage, and a universal understanding of the constitution itself. We have been told how many copies of the constitution have been printed. To how many do they amount? Not one hundred thousand copies in all. And yet we have born in this country every year those who will become men, and who are to exercise the right of suffrage, more in number than the whole number of this constitution which we have already had printed. Nay, more than this: we receive into this country every year one hundred and fifty thousand persons who have never, probably, seen the constitution of the United States, and who in five years are to become citizens of this country, and exercise the right of suffrage. Is it a great thing, then, that the Senate of the United States should distribute annually to the electors ten thousand copies of the constitution? There is no man who is not interested in it; there is no man but is bound as a citizen, if he exercises his duty wisely, to revise all our acts, and hold us to the performance of our duties strictly, and in harmony with the constitution. I shall vote for as many copies of the constitution as the Senate will ever consent to order for distribution among the people of the United States.

In regard to the suggestion of the honorable senator from California, [Mr. WELLER,] I would submit to him and the Senate that there is not such an *imperious necessity* for the publication of the "*higher law*," for the information of the people of the United States, as his suggestion would seem to indicate. There are societies in this country and in other countries which are engaged in an enterprise which is benevolent and beneficent, and not less important than the duties devolved upon the government of the United States—that is, the diffusion of that higher law not only among all the people of the United States, but among all tongues and all kindred of men. I believe that the "higher law" is contained in ten edicts or rescripts which are all found in the Bible, and that there are societies which are engaged in furnishing to every family throughout the Union a copy of that important and invaluable book. And I believe that under God the prosperity and safety of the institutions of the United States depend upon the great success which crowns their efforts, designed to secure to every elector and every citizen of this country possession of that law, and that as fast as they succeed in communicating it to lands which are now destitute of it, we shall see institutions of civil liberty like our own arise, and happy governments guarantied by constitutions like the one which I now propose to be distributed for the information of the people and of mankind.

The question being then taken upon the amendment proposed by Mr. DODGE, of Iowa, it was agreed to.

The resolution was then reported to the Senate as amended, and the amendment of the committee of the whole concurred in.

The question was then upon ordering the resolution to be engrossed for its third reading.

Upon this question Mr. DESASSURE called for the yeas an nays, and they were ordered accordingly.

Mr. DODGE, of Iowa. Allow me before the vote is taken to express the most earnest wish that when the resolution passes, and when this instrument is circulated, and read by those to whom the senator from New York wishes to send it, its perusal may have a different effect upon them from what it has had upon him. I trust that these who come after us, and who may come here at a time such as that at which he came here—a time when he gave us a little manifestation of his regard for the constitution—will manifest it in a different light from that in which he did. I trust, sir, that if in the progress of this country another additional territory shall be annexed to its limits, at a time when the people living in the different States of this Union have worked themselves up pretty nearly to the fighting point, and those to whom he is to distribute these copies of the constitution through the Empire State and elsewhere, come here, they will not, like him, just at that time, when patriots are working to close up and heal the breaches which exist in this Union, come forward with a proposition such as that which he brought forward at that most critical and perilous time in the history of this government when measures of compromise and adjustment were being urged, with any such proposition as his pronunciamiento to abolish slavery in the District of Columbia, and his other famous act of statesmanship to admit New Mexico as a State, when the abolitionists were pressing California into the Union without regard to the feelings of one-half of the people of this country, and without any sort of settlement of the difficulties between the two portions of the country. I trust that the reading of that book will have a different effect upon those to whom the gentleman from New York will send it from what it has had upon him.

Mr. SEWARD. The honorable senator from Iowa [Mr. DODGE] has anticipated a future period in which the influence and effects of the constitution of the United States will be fully disclosed. I have only to say that to that future period, and the general judgment of mankind, I refer every word I have ever spoken, every vote I have ever given, in the Senate of the United States; and I repose with a confidence as certain in the expectation of a charitable judgment upon those words and those votes as that which the honorable senator from Iowa thus confidently vaunts for himself. And in regard to the question of slavery which he puts—of slavery at a future time—I have only to say that, through the operation of the constitution of the United States, I expect in that future that there will be no occasion left for any proposition to abolish slavery in the District of Columbia, because slavery will then have disappeared from the capital of the United States. I expect, also, that when in that future new territories are annexed to the United States, it will be necessary for no man to move that slavery shall be prohibited in those territories, because then there will be no proposition, here or elsewhere, to extend slavery into regions already blessed with universal freedom.

The question being taken by yeas and nays on the adoption of the resolution, resulted—yeas 29, nays 12—as follows:

YEAS—Messrs. Badger, Bell, Borland, Bright, Brooke, Cass, Charlton, Clarke, Davis, Dixon, Dodge of Wisconsin, Downs, Fish, Geyer, Gwin, Hale, Houston, Jones of Tennessee, Mangum, Morton, Rusk, Sebastian, Seward, Smith, Spruance, Sumner, Wade, Walker, and Weller—29.

NAYS—Messrs. Adams, Bradbury, Brodhead, Cathcart, Chase, Desaussure, Dodge of Iowa, Hamlin, Mason, Norris, Toucey, and Underwood—12.

So the resolution was adopted.

WIDOWS AND ORPHANS.

On motion by Mr. GEYER, the Senate proceeded, as in committee of the whole, to the consideration of the "bill to continue half pay to certain widows and orphans."

No amendment being offered, the bill was reported to the Senate, engrossed, read a third time, and passed.

WORKMEN ON THE CAPITOL.

Mr. DODGE, of Iowa. I introduced a little bill to compensate the workmen on the additions to the Capitol. I hope the Senate will consent to take it up now. It is similar to a proposition which has passed this body twice.

The bill was taken up, and considered as in committee of the whole. It contemplates giving one month's pay to the workmen employed on the wings of the Capitol as a compensation for loss of time from being unemployed.

Mr. CLARKE. I hope the bill will be referred to some committee, in order to have its propositions examined into.

Mr. DODGE, of Iowa. I move, then, to refer it to the Committee on Public Buildings.

Several SENATORS. Oh, no; let us pass it now.

Mr. BRODHEAD. I hope that motion will not prevail. If we are to grant relief to these poor men who were without employment, let us do it now. To send this bill to a committee is to postpone action on it indefinitely. I take it, because in a few days we will have the appropriation bills up, and a small bill of this kind will be shoved aside. It was before the Senate more than once during the last session. I brought to the notice of the Senate a similar bill. It has been considered and examined, I presume, by every member of the Senate. It is plain in its provisions, and easily understood. We do not propose to pay these laborers for the whole time they were out of employment, but a reasonable amount of compensation, because they came here with the idea that the work was to continue. The bill is well guarded, and I hope the motion to commit will not prevail.

Mr. RUSK. A similar proposition to this has already passed this body. It is a proposition which I regard as eminently just, and I am confident that it will pass some time or other in some shape. Then the question is, shall we delay these men in obtaining their just claim—for I feel confident that it is a just claim—and shall we delay the business of Congress by postponing this proposition?

Mr. DODGE, of Iowa. I withdraw the motion to commit.

Mr. CLARKE. I would like to hear the bill read; for really, notwithstanding all that is said about it, I do not know what its provisions are.

The bill was read.

Mr. UNDERWOOD. I ask the yeas and nays on the passage of the bill.

The PRESIDING OFFICER. The question is on a motion to refer.

Mr. BRODHEAD. That is withdrawn.

Mr. CLARKE. No, sir. I believe I made the motion, and have not withdrawn it. Mr. President, I am perhaps as unwilling as any member of this body to interpose any direct obstacle to these men, if they have really been disappointed in consequence of any promises that were held out to them that they should be employed in the spring earlier than they were enabled to obtain employment, in consequence of any delay in the appropriation. But, sir, I made this proposition to refer to the Committee on Public Buildings not with a view to defeat the bill. I will not attempt to defeat the bill by any action of mine. But, sir, I have seen the advertisement of the architect, or proposals made by the superintendent of public buildings, whosoever he was. Those proposals were for men to come here to be employed until a certain day in December, and they were fully employed till that day. No further proposition was made to them for work; no further engagement was made that they should be employed during the next season. In the spring of 1852 the men were here, undoubtedly ready to go to work upon the building, and there was some delay in the appropriation. As to the claim they may have, it is gratuitous on the part of Congress, if anything is given. In my humble opinion, there is nothing in the contract that obligates the government or its agent in any way to make any extra allowance to these men, who were subsequently employed on the building. They were employed here during the year. The same thing may occur at every season of the year, when work is stopped in the fall, and is not commenced again till spring. I therefore think that if the bill was referred to the Committee on Public Buildings, of which my colleague is chairman, it will there be subjected to no delay, but the matter will be inquired into, and the Senate will be advised as to all the circumstances that relate to it. I therefore made the motion; and if it is the pleasure of the Senate to refer it to that committee, I, as one of that committee, will give it as speedy a return to the Senate as possible, and with all the information that can be had upon the subject. I presume the Senate is not better advised upon the subject than I am, and I certainly do not know upon what just grounds this claim is based for additional allowance. It may be a gratuity that these men deserve; but in my opinion the matter ought to be referred, in order to enable the Senate to ascertain the circumstances upon which this claim is founded, by a report from a committee. We can then act advisedly upon the subject.

Mr. BORLAND. This provision for these workmen has already been passed upon by the Senate twice. The matter was considered, I think, very fully. I know that during the last session I made several efforts, as also several other senators did, and we succeeded in getting the proposition put upon two different bills which passed this body. Therefore, I suppose the subject was as fully and thoroughly considered then as it is likely to be by the Senate at this session. The only objection I have to this bill is that it does not give enough. But these men are suffering. I think they have been badly treated, and that Congress is in duty bound to provide something for them. We seem disposed to provide liberally for everybody else. Those persons who employed these workmen—the overseers and superintendent—got their pay, and suffered no inconvenience or loss whatsoever; but these poor men who had to depend upon their daily labor for bread to feed their wives and children were thrown out of employment. While the superintendents were living in comfort and abundance, and got their salaries regularly whether they worked or not, these poor workmen, who came here under representations and persuasions by these persons, were thrown out of employment at an inclement season of the year, and left destitute of the means of support, so that even the very beds upon which their wives and children slept had to be taken and sold in the market to procure provisions. These are facts that came within my own knowledge. I then made an effort to get a larger amount for them than is now proposed, believing it to be just that they should receive it. This is too small a compensation—only thirty days' wages—when they were out of employment three or four months. If there is any claim that ever came before Congress that demanded immediate action, it is this.

Mr. CLARKE. I certainly do not mean to interpose any very serious objection to this claim.

Mr. HALE. Then withdraw the motion.

Mr. CLARKE. I will will withdraw it at the request of my friend.

Mr. BROOKE. When this question was up for consideration last session, the senator from Kentucky [Mr. UNDERWOOD] exhibited to the Senate the advertisement by which these men were induced to come here.

Mr. CLARKE. That is what I referred to.

Mr. BROOKE. That advertisement specified the day when their labor was to terminate. The government fulfilled its contract by paying them up to the day that was specified in that advertisement. Now, sir, unless some explanation is given, I cannot vote for paying this money. The laborers were not taken by surprise. The government was not at all in fault, as I understand it; and I would like to hear some reason given for paying them beyond the time specified in the advertisement, with which they must have been acquainted.

Mr BRODHEAD. They were out of employment three months, and this bill proposes to pay the thirty days' compensation.

Mr. BROOKE. I do not care if they were unemployed six months. The day specified when the work should terminate was the 30th of November. They were engaged to work till that time, and they did so, and were paid for it. It was not the fault of the government that they were then out of employment, and I can see no earthly reason why they should receive extra pay.

Mr. UNDERWOOD. I read all the papers furnished by the superintendent of these buildings, showing that they were invited to come here and work till a particular time. The statement is correct that they were employed and paid up to the day mentioned in the advertisement, which, according to my recollection, was the 30th of November, when, by the terms of the contract, they were discharged.

Mr. WALKER. The memory of senators must be very short indeed, if they do not recollect what will entirely contradict the inference which gentlemen are disposed to draw from the truthful statement—for we know it to be true—made by the senator from Kentucky. Do we not know, when there was a $500,000 appropriation asked for towards the continuation of the extension of the Capitol, the superintendent and others were daily and hourly about this Capitol, saying that these poor men were lying idle for want of that appropriation? Do we not well remember that these galleries were filled with these poor men every day, for the purpose of influencing our action upon that appropriation? Can we have forgotten it? And is not the inference irresistible that they were here under such circumstances, under the control, and almost under the command, of this superintendent?—that they were kept here upon their own expense, and for the purposes of this superintendent, to induce us to make that appropriation, and had not a penny in their pockets to pay their expenses? And now shall we be told that because the time named in the advertisement expired at which they were to stop work they are consequently to have nothing to compensate them for the time they were kept here idle and destitute of anything to pay their expenses with? I trust such an influence will not prevail in this Senate.

Mr. BRIGHT. If I believed that the money proposed to be appropriated under this bill would go into the hands of the workmen themselves, I might vote for it. I do not know whether or not my information is correct, but from what I have heard I have my doubts as to whether these claims have not been purchased by persons anticipating an appropriation by Congress. I hope that such is not the fact. But it is the precedent mainly that I object to in this case. I am afraid that there are other classes of claimants who may come and lay claims to our bounty.

Gentlemen put this claim upon the ground that these individuals were invited here by our agents, and that we are bound by their acts. Why, there is not a public employee in any of the public departments who may not say the same thing. They have all been invited to this city, and it is very apparent that in a short time a great many of them will be invited to leave; and we might, with the same propriety, be asked by all such to make an appropriation for their relief. These changes in private and public affairs are incidental to the business of life. It is impossible to provide against many of the hardships and inconveniences daily occurring by any system of legislation the ingenuity of man can invent.

Now I do not wish to be considered as opposing these particular claims; it is against the principle contended for by the honorable senators from Pennsylvania and Arkansas that I speak. I contend that the government, like an individual, has a right to dismiss from her service those she employs by the day at any time the public interest will be promoted by so doing; and where she thus acts, I am unwilling by my vote to require her to pay damages for so doing.

Mr. BORLAND. I have but one word to say in reply to the remarks of the honorable senator from Indiana, [Mr. BRIGHT.] I admit with him, that according to the hard and strict letter of the law these men have no claim upon us. They cannot sue us in a court of justice, and force us to pay them this amount. This is presented to us only upon the ground that it is an equitable claim, appealing to the sense of equity which all are supposed to have, and to that sense of generosity which some gentlemen are supposed to possess. I confess that in legislating here I do sometimes take counsel of my heart and act according to its dictates.

Mr. BRADBURY. The government advertised for workmen, and I understand that a larger number applied for work than were wanted. Those who were employed were continued in the public employment up to the time that the advertisement specified they would be engaged. Those who were unable to obtain employment were here without any benefit from the government. They were brought here by the advertisement of the government, as well as were those who were successful in getting employment here. Some of them, I understand, continued here and sought employment when the work was resumed in the spring; but preference was given to those who had been formerly engaged here. Now, I think that those who failed to get employment were the most unfortunate; for it is well known this government pays quite as high for the same services as is ever paid by private individuals. It appears to me that if there is any class who deserve sympathy it is that class of laborers who failed to get employment here at all.

The bill was then read the third time.

The question was upon the passage of the bill, and upon this question Mr. UNDERWOOD called for the yeas and nays, which were accordingly ordered.

The question being then taken upon the passage of the bill by yeas and nays, no quorum voted, there being yeas 14, nays 17, as follows:

YEAS—Messrs. Borland, Brodhead, Cathcart, Chase, Dodge of Wisconsin, Dodge of Iowa, Houston, Jones of Iowa, Mangum, Rusk, Seward, Sumner, Wade, and Walker—14.

NAYS—Messrs. Adams, Atchison, Bradbury, Bright, Brooke, Charlton, Clarke, Davis, Downs, Fish, Geyer, Norris, Pearce, Sebastian, Spruance, Toucey, and Underwood—17.

On motion, the Senate then adjourned.

THURSDAY, JANUARY 6, 1853.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tem.* laid before the Senate a report of the Secretary of the Senate, showing the names and compensation of the persons employed in his office during the year 1852; which was read; and, on motion by Mr. WALKER, it was ordered to be printed for the use of the Senate.

MEMORIALS, PETITIONS, ETC.

Mr. BRODHEAD presented the petition of George Felker, praying that the children of George Felker, his father, may be paid the amount of pension due him at the time of his death; which was referred to the Committee on Pensions.

Mr. CASS presented the memorial of Anna McLean, widow of an officer in the army who lost his life in the last war with Great Britain, praying a pension; which was referred to the Committee on Pensions.

Mr. HUNTER presented the petition of the heirs of Richard B. Mason, praying compensation for damages to their property by the construction of the Long Bridge, at Washington city; which was referred to the Committee of Claims.

Mr. SHIELDS presented the memorial of citizens of Virginia, praying the reconstruction of the Long Bridge over the Potomac at its present site; which was referred to the Committee on the District of Columbia.

Mr. GWIN presented the memorial of James E. Smith and Edwin Smith, citizens of the State of New York, praying that a register may be granted to the brig "Michael," a foreign vessel, now owned by them, and upon which they have expended in this country nearly four-fifths of her appraised value for repairs; which was referred to the Committee on Commerce.

Mr. DAVIS. Mr. President, I have been requested to present the petition of Joseph Townsend, who represents himself to be a master mariner in command of the barque Lamartine, of New York. He states that in the month of May, 1849, this barque was lying at anchor in the port of Leghorn, Italy; and that an Austrian army took possession of that city, in consequence of which those who were supposed to be implicated in the late revolution were obliged to flee. He received a large number of those persons, who were in destitute circumstances, on board of his barque, and entertained them at his own expense, at the request of the American consul, and of Commander Gwinn, of the United States frigate Constitution. Being himself quite poor, he feels himself unable to sustain the losses which he thus incurred, amounting to some seven or eight hundred dollars; and he prays Congress to remunerate him for these expenses. I move that the petition be received, and, without reading, that it be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. DAVIS submitted additional documents in relation to the claim of Dr William T. G. Morton to compensation in consideration of being the discoverer of the use of ether as an anæsthetic agent in surgical operations; which were referred to the select committee appointed on the subject.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

A message was received from the House of Representatives, by Mr Forney, their Clerk, announcing to the Senate that the Speaker of the House having signed an enrolled bill and an enrolled joint resolution, he had brought them to the Senate for the signature of their President.

The PRESIDENT *pro tem.* then signed the enrolled bill and joint resolution which had just been received from the House of Representatives—being a joint resolution allowing, in certain cases, to the owners of steamers, further time to make the necessary preparations to bring their vessels within the provisions of an act entitled "An act 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," and for other purposes, approved August 30, 1852; and the bill for the relief of Mrs. Margaret L. Worth; and they were delivered to the committee, to be presented to the President of the United States.

RESOLUTION ADOPTED.

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

Resolved, That the Committee on Finance be instructed to inquire into the expediency of providing by law for the sale of certain bonds of the State of Arkansas now held in trust by the United States, and report by bill or otherwise.

STEAMER EDITH.

Mr. SMITH. Mr. President, I am directed by the Committee on Printing to report back to the Senate a voluminous mass of documents, which were referred to that committee at the last session of Congress to consider whether they should be printed for the use of the Senate; and at the same time I submit a written report. As it is a very short one, I desire that it may be read.

The report was read accordingly. It states that the Committee on Printing have had under consideration the report of the Secretary of the Navy, communicating the proceedings of the court of inquiry in relation to the loss of the United States steamer Edith; charges of Lieutenant Craven against Commodore Jones; correspondence in relation to the erection of a steam saw-mill at San Francisco; Commodore Jones's charges against Lieutenant Craven; and correspondence in relation to the appointment and transportation of Lieutenant Meade and other officers for the steamer Edith from Boston to the Pacific. The committee understand that the above-named papers were called for, and their publication proposed, for the purpose of vindicating the professional character of Lieutenant Richard W. Meade, of the navy, from imputations contained in a letter of Commodore Thomas Ap C. Jones, dated Sept. 24, 1850, to the Secretary of the Navy; but the committee are of opinion that the subsequent reappointment of Lieutenant Meade to the navy by the President, and his confirmation by the Senate, are a sufficient exoneration from those imputations, and render the publication of those papers wholly unnecessary. The committee therefore recommend the adoption of the following resolution:

Resolved, That the committee be discharged from the further consideration of the subject.

The Senate proceeded, by unanimous consent, to consider the resolution, and it was agreed to.

Mr. SMITH moved that the report of the committee be printed for the use of the Senate; which was agreed to.

PREPARATION OF THE APPROPRIATION BILLS.

The Senate then proceeded to the consideration of the resolution, submitted by Mr. GWIN, directing the Committee on Finance to prepare and report to the Senate, on or before the first Monday in January, all the general appropriation bills except the civil and diplomatic appropriation bill.

Mr. BRODHEAD. Mr. President, as the honorable senator who introduced that resolution is not in his place, I hope by unanimous consent it will be passed over.

It was accordingly passed over informally.

CHARLES W. MORGAN.

The Senate then proceeded to the consideration of the resolution submitted by Mr. HALE a few days since in relation to the official conduct of Commodore Charles W Morgan while in command of the Mediterranean squadron.

Mr. SHIELDS. I move that the resolution be laid upon the table.

Mr. MASON. I hope the honorable senator from Illinois will withdraw that motion.

Mr. SHIELDS withdrew it.

Mr. MASON. The senator who offered that resolution is not now in his seat. I would prefer to let the resolution remain upon the calendar, in order that we may see what disposition that senator wishes to make of it.

The resolution was then passed over informally.

CUBA AND CENTRAL AMERICA.

Mr. MASON. I ask the indulgence of the Senate to allow me at this time to give a notice. I see that the message of the President, containing the information called for by the resolution of the Senate in reference to the proposed tripartite convention with Great Britain and France, has been printed, and is now upon our tables. I wish now to give notice, after consultation with those gentlemen who take an interest in the subject, that I shall, with the permission of the Senate, on Wednesday of next week move that this document be referred to the Committee on Foreign Relations, when any gentleman wishing to enter into debate upon the subject may have an opportunity to do so.

Mr. CASS moved that the joint resolution declaratory of the views of the United States respecting colonization on the North American continent by European powers, and respecting the island of Cuba, be taken up and read a second time; which was agreed to.

Mr. C then moved that the further consideration of the joint resolution be postponed until Wednesday next; which was agreed to.

WORKINGMEN ON THE CAPITOL.

The Senate then proceeded to the consideration of the bill for the relief of the workingmen on the addition to the Capitol.

The question pending was, Shall the bill be engrossed and read a third time? Upon that question the yeas and nays had been ordered.

The question being then taken by yeas and nays, resulted—yeas 17, nays 21—as follows:

YEAS—Messrs. Borland, Brodhead, Cass, Cathcart, Dodge of Wisconsin, Dodge of Iowa, Gwin, Houston, Jones of Tennessee, Mangum, Rusk Seward, Shields, Smith, Soulé,