BY ROBERT ARMSTRONG.

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IN CONGRESS OF THE U. STATES.

Thirty-Second Congress—Second Session.

THURSDAY, JANUARY 6, 1853.

[IN CONTINUATION.]

SENATE.

HEIRS OF WILLIAM REILY.

On motion by Mr. WALKER, the bill (S. 189) "for the relief of the widow of William Reily, deceased, late a captain in the 4th Maryland regiment of the revolutionary army," was read a second time, and the Senate, as in committee of the whole, proceeded to its consideration. It proposes to pay to Barbara Reily, the widow of William Reily, deceased, the sum of $2,400, together with interest at the rate of six per centum, from the 1st day of November, 1784, to the 1st day of March, 1852, the principal sum being the amount of the undervalue of the certificate in which William Reily, deceased, was paid his commutation of half pay for life.

Mr. WALKER. Since the bill was introduced the widow of this revolutionary soldier has died; consequently, it will be necessary to strike out of the bill the word "widow," and insert "heirs," and I now move to amend it in that manner.

The amendment was agreed to.

At the request of Mr BAYARD, the report of the Committee on Revolutionary Claims was read; from which it appears that William Reily was entitled to commutation under the resolution of March 22, 1783, commuting his pay for life to five years' full pay, and that he drew a certificate of commutation for the sum of $2,400 under date of November 1, 1784. The committee find this application to be precisely similar in its nature and merits to the claim of the heirs of Benjamin Mooers, presented at an early period of this Congress for their consideration, reported upon on the 5th of April last, which report the committee, for brevity, adopt as applicable to this case; and being fully satisfied that the depreciation of the commutation certificates was equal to seven-eighths of their value, reported the bill.

Mr. BAYARD. I move to amend the bill by striking out the words "together with interest from the 1st day of November, 1784, to the 1st day of March, 1852." I do not propose now to make any remarks with reference to the allowance of interest. I take it for granted that this bill cannot pass the House at the present session; therefore, I will not occupy the time of the Senate now with the objections I have to the allowance of interest. I will simply ask the yeas and nays on my amendment. The interest is for a period of sixty or seventy years.

Mr. WALKER. I wish I had it in my power to repeat to the Senate the speech which was so ably and impressively delivered a few days since by the honorable senator from Massachusetts, [Mr. DAVIS.] He had occasion, in the remarks he then made, to refer to the compensation of the officers and soldiers of the revolution; and he spoke of the debt of gratitude which the country owed to those who exposed their all in that memorable contest. If I could make that speech, with the impressiveness with which it was uttered by him, I should have some hope that the Senate would look at the question under consideration in its proper light. But I cannot do it.

The plain case now before us is this: In order to keep up and sustain the army of the revolution the Congress of the United States had to pledge the soldiers of that army, that in addition to the monthly allowance which they had, they should receive half pay for life. This promise of half pay for life became as much a part of the contract for compensation on the part of the government as any other part of the contract made by the government of the United States with regard to the compensation for services in the war. It is, therefore, a false view of this subject to consider it as a mere gratuity. It was not so. It was one of the most solemn promises which the government of the United States, or rather the government of the colonies at that time, ever made since the first formation of the government. It was then apprehended that the revolutionary army would be disbanded, not from any fault on the part of the soldiers but, because in reality the pittance which was paid them would not support them. And further, the compensation being so small, and the money in which they were paid being so depreciated, from various causes, they were unable even to acquire credit upon the paper in which they were paid. They were consequently embarrassed; and hundreds and thousands of them, as has been so often remarked in Congress, were obliged to support themselves, in a great measure, from their private fortunes, over and above all that they received for their services. Well, sir, the war was closed; how gloriously, the world knows. It is useless for any man to employ language to extol the deeds performed during that period of our country's history. The world knows them, and we are enjoying the benefit secured by the heroism and sufferings of those who took part in that memorable struggle.

But while men are living, it seems that they are always selfish in their treatment of each other. There was a clamor got up among the States at that time, that this was an odious system, and that placing so many officers on the half-pay list was unjust; that it was contrary to the fundamental principles which should control the action of this government. That clamor prevailed. Something must be done; these men were not then dead; they had not passed away from the scenes of action, but were still among the living, and came in contact with their fellow-men; and by this contact jealousies were liable to be excited. Congress then resolved, if possible, to destroy the half-pay system; and they passed a resolution by which they authorized the proposition to be made to the officers of the army of the revolution that they should surrender their half-pay for life, and take in lieu of it a commutation of full pay for five years. This proposition was authorized to be made upon the solemn promise of the existing government that the five years' full pay should be paid to them.

Now, it is a strange fact in the history of this government that, in resorting to this mode of changing the conditions on which the officers were to be paid, the officers themselves were not consulted as to their acceptance of the commutation certificates. The army was disbanded and went home; and they, being thus scattered over the whole country, could not act in concert, and could do nothing but accept the commutation. They received the certificates pledging so many dollars in value in cash. But when they came to ask for the money upon them—when they came to get their five years' full pay in commutation for half pay for life—they found they could not get from the treasury one dollar. Of course, the vast amount pledged by these certificates caused them to depreciate, and soon they were sold at about one-eighth of their nominal value, or for twelve and a half cents on the dollar. In this way the government redeemed its solemn promise which it had made to the revolutionary officer that he should receive half pay for life—that is, they paid him in certificates of commutation for half pay for life, purporting to be full pay for five years. Those certificates upon which they were promised dollar for dollar turned out to be worth only one-eighth of their nominal value. It was thus the government discharged its obligation. The obligation this day is no less solemn than it was at that. In point of fact, the time, and the injustice done to the soldiers, do but sanctify the promise; and now we are called upon to say whether we will redeem it. I wish to throw nothing around the subject that does not properly belong to it. I believe it is due to those officers that we should now redeem that solemn pledge of the government.

But, sir, it is contended that if we make good the depreciation upon the commutation certificates, we should do nothing more; that we should not allow interest upon the sum, which would accrue down to the present; that we are now to turn them off coldly, and say, "It is true your commutation certificates were thus valueless, but after the lapse of so many years, though you have been kept out of its enjoyment all this time, we say you can only have the principal, and must go hence without the interest." I cannot view that, as a business transaction between man and man, as just. Such a criterion of justice would not be observed as a rule of action between individuals; and now when we are wealthy, with an overflowing treasury, and these old officers or their descendants come forward and prove their case, shall we, with plenty of means to comply with our promise, turn them away and say we will not do it? This is a plain question. I think there need be no discussion about the matter. If senators now are willing to say that they will not redeem the promise up to its fullest letter, up to equity and justice, let them say so—let the country say so. For my part, I feel I have done my duty in regard to it. I have reviewed the history of the whole transaction in the case of Mooers, to which reference is made in the report on this case. I have set forth there the history of the whole transaction. I have bestowed a great deal of labor upon it. I believe every line and word in it is true and is borne out by the documents to which senators can refer in the library belonging to the Senate. There can, then, be no deception; and I wish now to place the case upon a plain ground: will the Senate at this day comply with the solemn promise made at such an early period in the history of our government? Will they comply with a promise so long refused, or not?

Mr. BADGER. Mr. President, I cannot see the propriety of the amendment proposed by my friend from Delaware, [Mr. BAYARD.] I do not consider the question now before the Senate as belonging to the general inquiry whether the government ought to pay interest. I look upon this as being a case which constitutes an exception to any general rule which can be laid down on that subject. Congress, at the close of the war, voted to these discharged officers half pay for life. For reasons which have been stated by the honorable senator from Wisconsin, [Mr. WALKER,] it was thought proper to commute that half pay into a sum certain, and to pay at once, instead of paying successive sums in the nature of an annuity. Certificates of commutation pay were accordingly issued, and then what was the state of the case? The country owed the full amount which those certificates called for. They owed the money, if any nation ever owed a debt, either upon principles of justice or of gratitude. They said, "We will withdraw what we have before granted you—half pay for life—and we will give you a sum of money in lieu thereof, and we have issued certificates for it." Well, these certificates turned out to be of less value than appeared on their face. We did not therefore pay them the sum which we offered to them as the commutation for the half pay which we withdrew.

Now, this bill proposes to pay to the officer, or to his representatives mentioned in it, the difference between the nominal value and the actual value of the certificate issued to him, and also to pay him interest upon that difference. Mr. President, it appears to me that it is a plain case in which the government ought to pay interest. I do not speak of the general question with regard to paying interest. I do not speak of the government being called upon to pay interest upon indefinite claims when their amount shall have been ascertained. But here is a specific case of a debt, a certain amount acknowledged by the government, with a certificate issued for it, and the certificate not being of the value which it purported to be; and now, I ask, upon what principle, what possible principle, it is reconcilable with integrity in the government that we can decline to pay the interest upon the difference between the sum which we originally owed and the value of that certificate which they have received?

Sir, independent of all other considerations, this is a case of tardy payment, by a most inadequate remuneration, for services rendered to this nation, such as were never surpassed and never equalled by any other body of military men since the foundation of the world. These men who served during that long and disastrous war—who at last brought it to a successful termination—who served under all the embarrassments and privations of the war—these men have a claim upon the country for at least the small pittance of remuneration which Congress voted to them; and it should be made good to them according to the stipulation named by Congress itself. I do hope that, waiving every other question about interest, we will treat this as a holy obligation, binding as much upon the nation as the obligation to pay the interest upon the national debt: and that we will not place ourselves in the attitude of refusing to pay a representative of a revolutionary soldier or officer what we have contracted to pay them. For, evidently, if we do not pay the interest, we have not paid the commutation half pay. We gave them certificates which professed to be for the whole, but which were worthless save for a part; and now how can we stand in the attitude of a debtor who has honestly and faithfully discharged his obligations, if we do not make good the deficiency in the principal and the interest upon it? I hope the amendment of my friend from Delaware will not prevail.

Mr. BAYARD. I do not intend to enter into the question of the particular cases in which the government ought to pay interest, or rather the general question of the obligation of the government to pay interest; but I shall confine myself entirely to the view submitted by the honorable senator from North Carolina [Mr. BADGER] in this case, as to its being peculiar in its character, and involving an exception to the general principles upon which the obligation of the government, with regard to paying interest upon claims, rests. I am perfectly aware that, of course, throwing into the case the obligations entailed upon the government on account of the services rendered during the revolutionary war is calculated to appeal very strongly to the sensibilities of the Senate, and it probably will determine the vote in favor of the allowance of interest in this case. No man would admit more readily than I would the extent and value of the services of those who engaged in that struggle. No man would go further than I would, as an exceptive case, to afford relief, sustained by what I believe to be sound principles. But I must take this case as it stands upon the statements given—for I am not familiar with it otherwise—by the senators from Wisconsin and North Carolina who have spoken in relation it. The officers of the army of the revolution, it appears, were entitled, as a matter of contract under a law of Congress, to half pay for life. That pay was nothing but a pension for life. Subsequently a proposition was made by the government to convert that half pay for life into five years' full pay. Now, there could be no obligation—although the honorable senator from Wisconsin states that they were forced to accept this—there certainly could be no obligation on the part of the officers to relinquish the half pay for life, and take the five years' pay in lieu of it. After the certificate was issued the officer was under no obligation to receive it. He might have rested upon the former law and claimed his annual pension, if had considered that as favorable to his interests as the new mode proposed; but the probability was that full pay for five years, taking the ordinary contingencies of life, would be a greater compensation to him than half pay for life; and therefore those who saw fit accepted the substitute, and among others, as I understand, the person in behalf of whose heirs this bill is to be passed was one of the number who accepted that commutation.

What, then, was the contract of the government? The contract of the government was, by the acceptance of the officer, to pay him five years' full pay; and then, not being in a condition to pay the money, they issued a certificate bearing interest. Sir, if that certificate had never been paid—I do not understand that it is denied in this case that it was paid with interest upon it, according to the contract of the government—there would be great force in this argument. But you are now asked, upon the ground that the credit of the government at that time was low, and its securities were below par, although subsequently to that time it has redeemed the certificates and complied with its contract, both as to principle and interest—you are now asked to make this gratuity, and allow interest upon it, as if it was a matter of contract.

It seems to me, Mr. President, that we are not bound by any such obligation, and I fear the precedent. Take this step now, and what will be the consequence with the vast number of claim agents that exist throughout the country, with a regularly organized system now hunting up all the stale claims when the lapse of time has been so great that the memory of those events, extent of the service, the question even of payment or non-payment, is a matter resting in doubt and uncertainty? We had a case brought forward by the honorable senator from Georgia at a former session, where a false claim was set up by some as being heirs of the revolutionary officers, which was presented and paid at the treasury, and subsequently, at the last session of Congress, we again allowed that claim to the rightful heirs. That shows the uncertainty of payments of this kind, founded on remote events, when the means for ascertaining the true facts have passed away.

I put this on the ground that the contract of the government has been complied with. You may say the officer parted with his certificate in consequence of the government's want of credit at the time, and that he could not sell it at his value; but we have paid our certificates according to the contract, and with interest, and we are now asked not only to make good its diminished value, but to make it good with interest for sixty-seven years. I think it is carrying the principle of relief too far. I think the next step will be that your continental bills will be brought forward wherever they can be hunted up, and we shall be told that they were worth not twelve cents on the dollar, but not more than one cent, and we shall be told that those who held them at the time they were issued received them probably for provisions furnished to the troops. Their patriotism will be shown to us, and then, with no counter evidence before us, you will have those bills presented at the treasury, and interest demanded upon them. I dare say there are plenty of them remaining. Nor can I see any difference myself in the obligation of the government to pay them, if you are to pay interest on these certificates in consequence of their reduced value for your want of credit. If you are to pay the difference of the value, with interest upon these certificates, on no principle that I can see could you refuse to pay the continental bills, with interest upon them from the time they were issued. I cannot sanction the principle of the allowance of interest. If the facts are true as regards the depreciation of the value of the certificates, I may not object to reimburse them as a gratuity.

But I will not violate a great general principle, which I think necessary to preserve the government from peculations to an enormous extent. I do not think the government should pay interest, except in cases of contract. I will not vote for a bill which involves the payment of interest on a claim which may not have been presented during the period of thirty or forty years. This does not, therefore, in my opinion, rest on the ground of a contract; if it did, I should say we were bound to pay the interest, no matter what was the lapse of time; but in this case, the contract has been complied with. The commutation certificates have been constantly presented—very few are remaining—and they have always been paid with interest. I cannot, therefore, vote for this bill, which will make the government not only pay the commutation, according to the contract, but will compel us to give a gratuity; and not only give a gratuity, but will lead us to adopt the principle of paying interest upon a gratuity for a period of sixty-eight years.

Mr. WALKER. I think if the senator from Delaware will give me his ear a moment, I can give him a sound distinction between the case pending before the Senate and the case which he presumes of continental money. Before doing so, however, let me notice another point in his argument. He says he cannot consent to the payment of these commutation certificates, for the government has already once paid them with interest.

Mr. BAYARD. No, sir; I am misapprehended there. I did not say that I would not consent to the payment of the commutation certificates; I said that the government having paid the commutation certificates with interest, I could not agree to give a gratuity founded on the fact that their value was less than the face of the paper, and on that difference of value to allow interest; any more than if, ten years ago, when your stock was under par, you had issued stock and a party had accepted it, and he was obliged to sell it in consequence of a war, as in 1812, for eighty per cent., or at sixty or seventy-five per cent. of its nominal value, that subsequently we would redeem it with interest. I would not agree to make up the difference of value and interest.

Mr. WALKER. That is the statement. The senator would not now make up the loss to the revolutionary soldier upon his commutation certificate when the commutation certificate has, in point of fact, been paid by the government with interest. Now, sir, look at it a moment. These men fought through the revolution, and, as every one knows who knows their history, they were unable to live upon the compensation which was given to them; and most of them, as in the case mentioned by the senator from Massachusetts [Mr. DAVIS] the other day, came out of the war ruined in fortune, though they anticipated that they would, from time to time, get this half pay for life, and upon that might struggle along. But their hopes in this regard were soon blasted. They could not have even the half pay for life paid annually; but the first thing they knew was, that local agencies throughout the country were possessed of commutation certificates—that is, certificates pledging them at the treasury of the United States five years' full pay, which they felt themselves compelled to take in lieu of the half pay for life. When they saw that they were to be reduced so greatly—for it was not a gratuity but a promise—they had a right to calculate, when they presented the certificate to the treasury, that they would be entitled to the money; but when they presented them they found that there was no money there for them; and since that was the case with all, the certificates were almost worthless.

Now, look at the operation of the principle contended for by the senator from Delaware. If one of the commutation certificates, which bore upon its face interest, happened to be issued to a man of wealth, all he had to do was to put it in his pocket, keep it until the present day, and then come forward, and they would have to audit and pay it at the Treasury Department. But when that same commutation certificate was issued to the scarred and war-worn, penniless soldier, who had nothing left of his wages—nothing left of his half pay, nothing but this worthless certificate—he had to sacrifice it for his subsistence for the time being, and he lost all. It is now contended that his damages, resulting from the situation in which the government placed and left him, shall not be paid by your country. Is that just? You give all the advantage to the wealthy for the forty or fifty years during which he would have sold the certificate at a loss. But to the poor man, who was obliged to use his certificate to sustain his existence, we turn coldly and say that he can receive nothing. That, sir, does not strike the heart that is in my bosom as being either just or legal. I cannot refuse to these men a compliance with our promise in its full letter and spirit up to the last line that can be marked out as the boundary of justice.

But now to advert to the case of the continental money. If the senator had looked particularly into it, he would have found this vast distinction between that money and the commutation certificates: Those certificates were issued and paid to those men—in what way? If the certificate was for $1,000, he had to take it for $1,000; but let me appeal to the older members of the Senate, and those who have examined the subject, to bear testimony to what I say in regard to the continental money. From time to time orders were made at what rate the continental money should be paid out; and do not senators remember that the order was finally made that it should be paid at the rate of one hundred for one, and that a vast majority went into circulation at the rate of forty for one? What justice would there be in making up at this day the full value of that money with interest? Those who took them up speculated upon the country, and took them up with the promise of one hundred, or forty, or fifty, or seventy, or eighty for one. They were speculators on the country; but the soldier had to receive his commutation certificate at par. He could not get one hundred in the value of the certificates for one dollar due him by the commutation. Not at all. He had to take it dollar for dollar; and when he took his certificate, and rested upon his country to pay him in cash, he found that it would not do it, and his certificate depreciated on his hand. This, then, being the discrimination between the two cases, I beg that the senator from Delaware will not insist upon the parallel. I hope the true distinction between the case of a revolutionary soldier receiving his commutation certificates, and those receiving continental money at the rate of one hundred dollars to one, may be taken, and that the Senate will act in view of that distinction.

Mr. BAYARD. I do not see the difference between the case of the continental money and the commutation certificates, as stated by the honorable senator from Wisconsin. It may have been that the continental notes were issued at different values at different times, but at length they became utterly worthless; and it would, therefore, be simply a question to remunerate to the extent of the difference between their value when issued and that to which they ultimately came, which was nothing. Therefore, you ought to repay the principle with the interest in that case, if you pass this bill. I do not here object to your making a gratuity to the revolutionary soldiers, in lieu of the depreciation of the commutation certificates, but I object to your allowing interest upon that gratuity, and I shall adhere to that objection. It seems to me that it is a dangerous principle, as I stated before. There is a great deal said about the war-worn and scarred soldiers, and all that, but I rather think outside the Senate it is pretty well known that about one-half of the sums which are received through private bills go into the hands of claim agents, and they are the authors of two-thirds of the claims which come before us.

Mr. SEWARD. I have listened with interest to this debate, and I think it involves very important principles in regard to the conduct of the government. I confess that the argument of the learned and honorable senator from Delaware is very satisfactory and conclusive to my mind. A government is, after all that may be said, a person subject to the circumstances, and bound by the same moral and social obligations, which affect and bind individuals. There is a moral obligation upon every individual to pay his debts—that is, to pay what he has contracted to pay; and there is no obligation upon any one to pay more. I do not know any distinction between government and individuals in this respect. They are alike subject to accidents and disasters, the result of circumstances which are providential; and when the government pays all that it promises to pay, pays the full value of principle and interest, like an individual, it is discharged from all its obligations. Now, in this case, the government issued to the officer named in this bill an obligation to pay a certain sum bearing interest. That obligation, instead of presenting himself, he assigned to others, and the assignees have presented it at the treasury, and it has been paid, principal and interest, in full. What more is required? The bill proceeds on the principle that the government is not only bound to pay its debts, but that it is, also bound to guaranty that its credit shall always be uniformly sound. That is what no individual can do, and what no government ever did. It cannot guaranty that its credit shall always be so strong, so efficient, so safe, in the changes which are incident to nations, as that those who hold the securities shall never have any difficulty in realizing at any time, by assignment or transfer, the full equivalent of government obligations.

But there is another consideration to be alluded to here; and that is, there is a reasonable limit to the period in which a prudent and wise government can pay interest, even on acknowledged debts. It strikes me as a very frightful precedent, to bring up a case looking back sixty-one years, with a proposition to pay interest upon it. It either should be presented at an earlier period, or there should be, with governments as well as with individuals, some period of time to guard against frauds by a statute of limitations. This may seem to be a harsh principle, but is one that is every day practised on, and its necessity is recognised. The Senate has passed more than one—certainly twice since I have been in—a bill for the payment of sufferers by the French spoliations. It is well understood that the principle of that debt amounted to between ten and fifteen millions of dollars, and yet those of us who have believed it just and wise to pay the debt, and recognise the reasonableness and propriety of paying it, have not insisted on that amount, but have been content to appropriate five millions of dollars. So far from proposing to pay interest forty or fifty years, with the whole principal, we propose to pay only a third or half of the principal. And this principle has been settled and acknowledged from the time when the question first rose seriously of reimbursing the sufferers by French spoliations at all.

Again: if we adopt the principle contained in this bill, we ought to be equal and just; but I confess that I see no good grounds for paying interest sixty or seventy years on this individual claim, and paying neither interest nor principle on others just like it. If we agree to pay interest here, a general bill should be framed which should provide for the payment of the principal in all such cases, and establish uniformly the time for which interest will be allowed. It is with regret that I feel compelled to oppose this bill. I am willing to vote liberally for the payment of all claims against the treasury when they are properly established; but I find myself obliged to vote against the passage of this bill in its present shape. I subscribe, however, to the views presented by the senator from Delaware, and I am willing, in view of heroic merits and heroic sacrifices, we should indemnify the officers of the revolution for their losses. I desire to return my thanks to the honorable senator from Delaware for the manner in which he has presented this subject to us, so as to enable me to give my vote intelligibly and safely.

Mr. UNDERWOOD. If we could have a general bill, Mr. President, embracing the object which I shall present to the Senate in a few words, I would vote for it with a great deal of pleasure; but for the reasons already assigned by the gentleman from New York, [Mr. SEWARD,] and the gentleman from Delaware, [Mr. BAYARD,] I cannot vote for the interest as proposed in this bill. The injustice done to the officers of the revolution was this: They were promised half pay during life, and after the termination of the war the inability to pay on the part of the government was such that it could not comply with these promises. Such being the case, the officers of the revolution were compelled to accept these commutation certificates of five years full pay in lieu of the half pay which was promised for life. Many of the officers did not wish to take these certificates of five years' full pay in lieu of the half pay promised them for life, but they were compelled to do it or get nothing. They derived some advantage, however, in this. They had the whole of five years' full pay in hand, and they had the interest upon the five years' full pay from the time they obtained the certificates until they were finally discharged. They or their assignees had them.

That was a benefit to them, but here was a loss which they had to sustain. Some of these officers lived forty, fifty, and even sixty years, I believe, after the termination of the war. By living that length of time after the close of the war, if you had allowed them their half pay it would have amounted to three, four, or five times as much, according to the length of time they lived after the close of the war, as the commutation certificates for five years' full pay amounted to. The loss which they sustained was in proportion to the length of their lives after the war, and that loss was forced upon them by the legislation of Congress, compelling them, as it were, to take these five years' certificates of full pay.

In the year 1832 Congress became very sensible of that injustice, and they gave all the officers then living their half pay for life, from that period up to the time of their death. But they left the period prior to 1832 unprovided for, allowing no compensation from the close of the war up to that date for the losses these officers sustained.

Now, sir, all we can do, and, in my opinion, all that we ought to do, is to provide by a general bill that those officers who drew their commutation certificates for five years' full pay shall be allowed, after deducting the amount of the certificates, their half pay for life; that their widows shall be allowed the half pay of their husbands up to the time when they died, deducting the five years' full pay. If they lived sufficiently long to leave a balance, after paying these commutation certificates, pay that balance to them out of the treasury; if they did not live long enough—as was the case in some instances, some of them having died so shortly after the war that the few years' full pay up to the time of their death would not equal the amount of commutation—their families by this early death gained something out of the government; and of course it is not expected that any compensation should be allowed. But where they lived long enough for the half pay to amount to more than the five years' full pay, in that case it is their families' loss. Now, I am willing to vote for any general bill which shall allow them half pay for life, according to the promise of the revolutionary Congress, deducting from that half pay for life the five years' full pay which they have received. If after the deduction is made there is a balance, I think it ought to be paid, and I shall vote for paying it with the utmost cheerfulness.

Sir, these difficulties have grown out of the poverty of the government, and the inability on the part of Congress at the commencement of the government to make provision in all these cases. We have not the information now before us that will enable us to act discreetly upon that subject, and to legislate with full knowledge of the facts. In order to enable us to do it, we should have the whole number of officers, the amount of those certificates you have granted for five years' full pay; and if we had the whole number of those certificates and the amounts for which they were granted, we know that it would amount to many millions—how many millions, I do not know. In the absence of this knowledge you cannot tell what effect a principle, such as would be established by the passage of this bill, will have upon the many millions of dollars for which these certificates were granted. Perhaps the chairman of the committee who reported this bill may be prepared to inform us now what the total amount of those certificates for five years' full pay was. I do not remember. It must have been many millions of dollars. If, then, we are now legislating upon the basis that there was a depreciation of one-eighth, according to the gentleman's speech, we set the precedent, if this bill passes, that one-eighth of the whole amount of the aggregate certificates shall be paid with interest.

It is, therefore, manifest that this is a very important subject; it is a very large subject, and we do not know the extent of it unless we ascertain the amount for which these certificates were granted. In this state of things, it seems to me, as I have already said, that a general bill allowing half pay for life, deducting the commutation, will do justice to everybody. Such a general bill, I hope, will be framed and brought before Congress.

Mr. WALKER. If the Senate will agree to vote down the proposition of the senator from Delaware [Mr. BAYARD] to strike out the interest altogether, I will then make this proposition: There is a period in our financial history up to which it is known that we were unable to pay our debts. This bill allows interest from 1784 to 1852. I will propose to strike out 1852 and insert 1832, if the Senate will vote down the amendment of the senator from Delaware. We all know that prior to 1832 this country could not pay her debts. It may be and it has been contended that the government ought not to be bound for interest since that period, because since that time the government has been able to pay its debts. My proposition will then make twenty years' deduction upon the interest. That I believe ought to be considered a fair compromise between the differences of opinion upon this subject. For my own part, it would be gratifying to my feelings and to my sense of justice to see the interest paid for the entire period; for in many of these cases there were no persons competent to present the case to Congress as it should be. There were grandchildren or great grandchildren, perhaps, who lived in poverty and ignorance. But after a while, it seems that a lady of great amiability and intelligence came forward and presented this case to Congress. Congress then gave relief to her as the child of a revolutionary soldier. That revived the hopes of the remainder of those old patriots and of their children, and they are unable to see why this act of justice should have been done to this lady, and in their cases refused.

And this is another reason, if it were a fault lying at the door of Congress, (I do not think it was,) that there then revived a hope, that in all probability had long since expired, that they were ever to get anything as an acknowledgment of the justice due to their ancestors, or any discharge of the obligations which the government had assumed. I say this revived a hope, and they therefore came forward with a few of these cases. These cases have been thoroughly examined, and found to be truly meritorious. There is no lack of record evidence in regard to their rights. There is no lack of proof of the actual losses they have sustained upon the certificates in every case upon which a report has been made. But inasmuch as different views are entertained in regard to paying the interest, I shall propose the amendment to allow interest up to 1832, prior to which time the government was unable to pay its debts.

Mr. BRODHEAD. I would inquire of the Chair whether the senator from Wisconsin could not offer his amendment now, and have it first considered. Has he not a right to perfect the bill before the question is taken on the amendment proposed by the senator from Delaware?

The PRESIDING OFFICER. The Chair is of opinion that the question must be taken upon the proposition of the senator from Delaware first, which is a proposition also to perfect the bill.

Mr. SEWARD. I suppose it is perfectly easy to move to amend the amendment by adding the words suggested by the senator from Wisconsin—to strike out words and insert.

The PRESIDING OFFICER. Certainly, it would be in order to amend the amendment.

Mr. WALKER. Then, I make that motion—to strike out "fifty two" and insert "thirty-two." It will then read "interest up to the year 1832."

The PRESIDING OFFICER. The question then will be upon the amendment proposed to the amendment.

Mr. HALE. I do not want to say a word about that amendment, because I am indifferent about it. I hate to go against a claim of this sort, but I think the Senate ought to deliberate a little before they open this door. If you establish this principle, you virtually say to all the holders and all the heirs of those who have ever held these certificates, that if they will come to Congress and prove—as I suppose it will not be difficult to prove—the depreciation of these certificates, you will pay them just as you have paid these heirs. Now, sir, we have got a pretty large sum in the treasury, and I do not know that it will not be as good a use as will be made of it to pay it out in this way. Indeed, I would rather spend the money in this way than in making war upon Spain to get the island of Cuba. In my opinion it would be far better laid out; but yet I think we had better pause a little before we pass this bill. It seems to me that a measure that is to pledge Congress to such a very wide field of legislation as this will open had hardly better be carried upon a private bill.

But a suggestion has been made by some other senators that it should be passed in the form of a general bill. It is quite certain when you once establish such a principle that it will go beyond the revolutionary war. I do not remember, but my impression is that there were notes with which the government of the United States paid the officers and soldiers of the last war, which were sold in the market at a depreciation something like twenty per cent.; and the same principle which would compel you to make up the difference between these commutation certificates and their actual value to officers and soldiers of the revolutionary war, it seems to me would make up to the officers and soldiers of 1812 the difference between the par value of the treasury notes and what they actually received. The depreciation, to be sure, was nothing at all like what it was on these commutation certificates, but I think I am not mistaken that in the New England States these notes were down as low as eighty cents on a dollar. And I do not know any difference in principle between the two.

Now, sir, it may be a very pleasing idea, and one that is consolatory to the humanity of senators individually, to think of remunerating all the sacrifices that were made during the revolutionary war to secure the liberty and independence of the country. But, sir, you cannot do it. A great many of the most severe and heaviest sacrifices were not those that could be paid with money. Houses were burned, families were driven from the peace and quiet of home, and all the operations of civilized society were, in various sections of the country, entirely defeated and broken up; and when you undertake to go down and weigh, and gauge, and measure, and compensate the perils and sacrifices of that day, you will find that it cannot be done. And when you have done what is proposed by this bill, by a general measure like it, you will have stopped very far short of compensating even the most meritorious sacrifices that were made by those who endured privations and perils of that early contest.

But, sir, I am not going to oppose this bill. I am not going even to vote against it, but I simply make these suggestions that we may understand before we do pass it what a door we are opening for applicants to come in upon the national treasury. With these views, and with this understanding, if the Senate see fit to pass the bill, I shall be one of the last to complain.

The PRESIDING OFFICER. The Chair is of opinion that the senator from Wisconsin can propose his amendment now, and that the question can be put first upon that proposition before the question of striking out is taken, as moved by the senator from Delaware. The question, therefore, now is upon striking out "fifty-two" and inserting "thirty-two."

Mr ADAMS. It seems to me that the proposition to amend the bill, made by the senator from Delaware, stands in the same light as a proposition made by one who reported the bill, and is therefore the first in order. It seems to me that that proposition should be put first. However, that is a matter that I care but little about.

It is a very ungracious task, Mr. President, for any senator to vote against a proposition either to pay revolutionary soldiers or their descendants. I can concur in some of the suggestions made in reference to the obligations resting upon the government in reference to these claims. It is utterly impossible that compensation should be made, not to the soldiers of the revolution, for they have passed away long since, but to their descendants for all the sacrifices made by their fathers; and I do think I have witnessed upon this floor great injustice to the memory of revolutionary soldiers and their descendants for services which have become common property—services which were rendered by them for the benefit of their posterity and their country, and not paid for in money—services for which they would have spurned money offered to them as compensation. Those services have been brought up here long after they have been called to their last account, a half a century or more, by their children, and grand children, and great grandchildren, and we are asked to pay for them in money. They fought for liberties which we now enjoy; they achieved the independence of the country; they have received the country's gratitude, and most of them were content with all their losses and privations, and thought themselves well paid. But now it seems that every one who can trace back his parentage to a revolutionary soldier is going and hunting up some claim or other for the purpose of getting the money which his ancestor would perhaps have spurned, for services to his country. It is utterly impossible that we can make these payments. Besides, the government has paid these debts once, and paid them with interest, as is not denied. Did not the government act in good faith in doing what it did? If any of those meritorious persons lost anything for want of ability on the part of the government to pay its debts at that time, it was their misfortune. They never complained of it in their day. Still, I am perfectly willing to pay for all the losses they have sustained; but to go to paying the interest for three-quarters of a century is setting a precedent which will result in the expenditure of immense sums of money, and uncertain payment, owing to the great length of time that has elapsed, and uncertain proof of the amount sustained by individuals. It is admitted that those who were able held on to their certificates, and received their money with interest. Others lost—some more, some less. It was their misfortune. They sustained it during their lifetime, and I do not think it is any injustice to their children to consider the loss as common property, merged in the great mass of the benefits conferred upon the country resulting from their services. I can see no principle of justice or equity in paying interest upon this gratuity, either down to 1852 or 1832.

The question being taken on the amendment to strike out "fifty-two" and insert "thirty-two," resulted on a division—ayes 17, noes 9. No quorum voting.

Mr. BRODHEAD called for the yeas and nays, which were ordered.

Mr. WALKER. As the bill now reads it gives interest down to 1852. It is proposed to strike out "fifty-two" and insert "thirty-two," that being the period at which the government became enabled to pay its debts as some think the government ought not to pay interest for so long a period.

Mr. CHASE. My objection to striking out what this amendment proposes to strike out, is simply this: If this is a debt due to these parties, it ought to be paid, and paid with full interest. If it is not a debt due to them, and the country is not under obligation to pay it, it ought not to be paid at all. That is one reason for not striking out the twenty years.

Another reason is this: While we are upon this subject, I think we had better dispose of it altogether. For just as certain as we divide the interest now, the parties interested in the twenty years interest which it is proposed to strike out, will come back with the claim on some future Congress, and they will claim the interest for the additional time, on precisely the same ground that they make their present claim.

The question being taken by yeas and nays on the motion to strike out "fifty-two" and insert "thirty-two," resulted—yeas 20, nays 16, as follow:

YEAS—Messrs. Borland, Brodhead, Cathcart, Charlton, Clarke, Dodge of Wisconsin, Dodge of Iowa, Downs, Felch, Fish, Gwin, Houston, Jones of Iowa, Morton, Rusk, Seward, Smith, Wade, Walker, and Weller—20.

NAYS—Messrs. Adams, Atchison, Badger, Bayard, Bradbury, Bright, Brooke, Butler, Chase, Dessausure, Hale, Mangum, Norris, Sprauance, Sumner, and Underwood—16.

So the amendment was agreed to.

The question now recurring on the amendment of Mr. BAYARD, to strike out all relating to the pay of interest down to the year 1832.

Mr. BAYARD called for the yeas and nays; which were ordered.

The question being then taken by yeas and nays upon the motion of Mr. BAYARD to strike out all that portion of the bill granting interest, it was not agreed to—yeas 16, nays 18—as follow:

YEAS—Messrs. Adams, Atchison, Bayard, Bradbury, Bright, Charlton, Dessausure, Dodge of Iowa, Felch, Geyer, Houston, Jones of Iowa, Norris, Smith, Sprauance, and Underwood—16.

NAYS—Messrs. Badger, Borland, Brodhead, Brooke, Cathcart, Chase, Clarke, Dodge of Wisconsin, Downs, Fish, Gwin, Hale, Mangum, Morton, Seward, Sumner, Wade, and Walker—18.

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

The question then was upon ordering the bill as amended to be engrossed for its third reading.

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

The question being then taken by yeas and nays upon ordering the bill to be engrossed for its third reading, it was not agreed to—yeas 16, nays 20—as follow:

YEAS—Messrs. Badger, Borland, Brooke, Cathcart, Clarke, Dodge of Wisconsin, Downs, Fish, Gwin, Houston, Mangum, Morton, Seward, Wade, Walker, and Weller—16

NAYS—Messrs. Adams, Atchison, Bayard, Bradbury, Bright, Charlton, Chase, Davis, Dessausure, Dodge of Iowa, Felch, Geyer, Hale, Hamlin, Jones of Iowa, Norris, Smith, Sprauance, Sumner and Underw