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IN CONGRESS OF THE U. STATES.

Thirty-Third Congress—First Session.

TUESDAY, JANUARY 17, 1854.

[IN CONTINUATION.]

SENATE.

JOHN M. M'INTOSH.

Mr. JOHNSON, from the Committee on Military Affairs, to whom was referred the petition of John McIntosh, praying the settlement of the accounts of John Clute and Jacob Hart, on duplicate certificates, the originals having been lost, and that the amount found due may be paid to him as their assignee, reported that he had been instructed by that committee to ask that they be discharged from the further consideration of said memorial, and that the same be referred to the Committee of Claims; which was agreed to, and the memorial referred accordingly.

HEIRS OF MAJOR RINGGOLD.

Mr. JOHNSON, from the Committee on Military Affairs, to whom had been referred Senate joint resolution (No. 5) providing for the presentation of a sword to the nearest male relative of the late Major Ringgold, reported that the committee had had the same under consideration, and had instructed him to report that, in their opinion, the joint resolution itself was not consistent with the principles of the constitution of the United States, as honors and distinctions were not hereditary with us, and that an exception by special legislation should not be made; therefore, while they acknowledge the meritorious service and gallant conduct of the late Major Ringgold, they feel called upon to make an adverse report; which adverse report was laid upon the table.

CITIZENSHIP OF FOREIGN-BORN CHILDREN OF AMERICAN PARENTS.

Mr. MASON. A bill from the House of Representatives, relating to the citizenship of the children of American citizens born abroad, was referred to the Committee on Foreign Relations. As that is a subject which pertains properly to the Committee on the Judiciary, I would move that the Committee on Foreign Relations be discharged from the consideration of that bill, and that it be referred to the Committee on the Judiciary.

The question being taken, the motion was agreed to, and the bill referred accordingly.

DR. ADAM HAYS.

Mr. BRIGHT asked and obtained leave to withdraw from the files of the Senate the papers in the case of Dr. Adam Hays, asking for arrearages of pensions; and moved that the same be referred to the Committee on Pensions; which was agreed to, and the papers referred accordingly.

CAPTORS OF THE BRITISH SLOOP-OF-WAR EPERVIER.

On motion by Mr. GWIN, the Senate took up, and proceeded to consider in committee of the whole, Senate bill No. 35—being "A bill for the relief of M. K. Warrington and C. St. J. Chubb, executors of Capt. Lewis Warrington and others," captors of the British sloop-of-war Epervier.

Mr. BRIGHT called for the reading of the report; which was read accordingly. The report states that the British sloop-of-war Epervier was captured by the United States sloop-of-war Peacock, and condemned, with the specie on board, to be sold; which was accordingly done. But instead of the proceeds being paid, according to law, to the captors—the Epervier being of equal force with the Peacock—by some misunderstanding on the part of the United States marshal, one moiety of the same was paid into the treasury of the United States. The bill provides that the same be now paid to the executors of the captors of the said British sloop-of-war.

No amendment being offered to the bill in committee of the whole, it was reported to the Senate, and ordered to be engrossed for its third reading; by unanimous consent, the bill was then read the third time and passed.

MOSES OLMSTEAD.

On motion by Mr. WADE, the Senate took up Senate bill No. 117—being "A bill for the relief of Moses Olmstead;" which was read the second time and considered in committee of the whole.

The bill provides that, in consideration of the injuries received while acting as a soldier in the last war with Great Britain, the Secretary of the Interior be authorized to place the name of Moses Olmstead upon the list of invalid pensioners, to receive during his life the sum of $8 per month, to commence on the 8th of January, 1853.

No amendment being offered in committee of the whole, the bill was reported to the Senate and ordered to be engrossed for its third reading; by unanimous consent, the bill was then read the third time and passed.

SUPERINTENDENT OF PUBLIC PRINTING.

On motion by Mr. HAMLIN, the Senate proceeded to consider, in committee of the whole, Senate joint resolution No. 9, authorizing an increase of the force in the office of the superintendent of public printing.

The resolution authorizes the superintendent of public printing to increase the force in his office by the appointment of two additional clerks, at the same salary *per annum* as is now allowed to clerks employed therein.

Mr. HAMLIN. The late superintendent of public printing—John T. Towers—addressed a letter to me as chairman of the Committee on Printing, which I ask may be read. That gentleman was a competent officer, none more so, and understood the duties of his office most thoroughly. I think the reading of this letter will convince every one of the necessity of providing this additional force in that office.

The letter, dated January 2, 1854, was then read, setting forth that when first appointed to the office of superintendent of public printing, he—Mr. Towers—had undertaken to perform all the duties himself. At the commencement of the last session of Congress he was forced to apply to Congress for two clerks and a messenger, which were readily granted him. Since the commencement of the present session of Congress the entire duties prescribed by the law creating the office of superintendent of public printing had for the first time come into operation, as heretofore a portion of the government printing—that for some of the departments—had been conducted under other laws. The duties of the superintendent have been increased of late also, by the division of the congressional printing, and were also increased by the requirements of the civil and diplomatic appropriation bill, so that it was absolutely necessary that he should be authorized to employ an additional force in his office.

No amendment being offered in committee of the whole, the joint resolution was then reported to the Senate and ordered to be engrossed for its third reading; by unanimous consent, it was then read the third time and passed.

DIVISION OF OHIO INTO TWO JUDICIAL DISTRICTS.

Mr. CHASE. I would ask the Senate to proceed to the consideration of the bill to divide the State of Ohio into two judicial districts. It will be remembered that a few days ago this bill was considered by the Senate, and on motion of the honorable senator from North Carolina [Mr. BADGER] was referred to the Committee on the Judiciary. That committee has had the bill under consideration, and has reported it back to the Senate, with one or two amendments, one of which was suggested by the honorable senator from North Carolina, upon whose motion it was referred. I hope the bill will now be taken up and considered.

Mr. WADE. I wish my colleague [Mr. CHASE] would consent to let the bill remain upon the table for a few days longer. I am myself in favor of the bill; but I have received communications from the central portion of the State, informing me that certain portions of the State are not satisfied that it should be divided into two judicial districts, and they wish to have an opportunity allowed them to come here and lay their views before members here. They wish, in fact, that I should cause this bill to be delayed until the first part of February next, when they expect to be here and to be able to show cause why it should not be passed. I am in favor of this bill, and hardly think they will be able to do that; but I am willing to give them time to make their opinions and position known here. For that reason, I should prefer to have this bill remain upon the table until they can appear here.

Mr. CHASE. I think I can satisfy my colleague [Mr. WADE] that this bill ought to be taken up and considered now. I have in my hand, and should have presented it before to the Senate but for the report of the Judiciary Committee upon this bill, a memorial signed by fifty members of the Ohio legislature, from all parts of the State, urging the prompt consideration of this bill. If it is not considered at an early day, it can hardly receive the consideration and action of the House of Representatives at the present session. This bill has already been once defeated by delay.

There are undoubtedly gentlemen in the interior of the State who would object to the passage of this bill, inasmuch as the court is now located at Columbus, and this bill would interfere with some individual interests there. It would, however, materially advance the interests of suitors, and be for the convenience of the whole bar of the State of Ohio. Under these circumstances, I feel justified in asking the Senate to consider this bill at this time. Such a course would be in accordance with the wishes of the fifty gentlemen of the Ohio legislature to whom I have already referred, and also, I am sure, with the wishes of a large majority of the people of that State.

The PRESIDING OFFICER, [Mr. FOOT in the chair.] The Chair begs leave to state that he is informed by the secretary of this body, that the bill has not yet been returned from the printers.

Mr. CHASE. The bill was printed before it was referred to the Committee on the Judiciary, and the amendments can be proposed to that one.

The PRESIDING OFFICER. The Chair understands that the amendments recommended by the committee have been sent to the printer, and have not yet been returned.

Mr. CHASE. Then, I will withdraw for the present my motion to proceed to the consideration of this bill.

The motion was accordingly withdrawn.

PIONEER MANUFACTURING COMPANY.

On motion by Mr. MORRIS, the Senate resumed the consideration, in committee of the whole, of Senate bill No. 49—being "A bill to incorporate the Pioneer Manufacturing Company of Georgetown, D. C.

The bill provides for the incorporation of Thomas Wilson, Evan Lyons, Esau Pickrell, and Thomas Brown, citizens of Georgetown, D. C., their associates, executors, and assigns, into a company, to be styled the "Pioneer Manufacturing Company of Georgetown, D. C.," with a capital not to exceed $200,000, divided into shares of the value of $100 each, with a board to transact business, consisting of a president and six directors, to be chosen from among the stockholders. The bill also contains a special restriction upon the exercise of any banking privileges by the same company.

The question was upon the following amendment, submitted by Mr. PETTIT, to be added to the appropriate section of the bill:

"*And provided, further*, That the stockholders, individually and collectively, shall be responsible for all the acts done and obligations incurred by the corporation created by this act."

Mr. PETTIT. When I offered this amendment I did not design to occupy any portion of the time of the Senate in discussing it. It is a provision easily understood, and has been so much discussed in the legislative bodies of this country, as well as before the public otherwise, that no new light can be thrown upon the principle I propose to incorporate into this bill.

This manufacturing, I understand, has been heretofore carried on by an individual—whose name I do not now recollect. He has been liable for all his engagements and all his contracts in reference to this manufacturing business. He may have had one or two partners, but the liability has been the same as I now propose to make it. He now proposes, as I understand this bill, to increase the number of his partners. The only object of the incorporation contemplated by this bill can be this: that a number of men so associated may assume a given, fictitious, or legislative name, and by that means avoid difficulty in making and executing contracts, and also avoid difficulties in suits and litigations. That must be the main object of this corporation. This is neither more nor less than a partnership to be created by Congress for such purposes, and one that I cannot consent, by my vote, to have so created. I cannot see why those persons with whom the person originally conducting this manufacturing business now associates himself—those into whose confidence he enters, and whom he takes into his confidence in return—should not be collectively liable for all the engagements they may enter into for the carrying on of this business, as he himself was individually liable for before. Such a thing is beyond my power of comprehension. This corporation is neither more nor less than a partnership, though created by enactment of Congress. If A starts a manufacturing business here, by your present laws you say that he shall be liable for all debts incurred in carrying it on, of whatever name and description. Now, if my amendment be not adopted, you in effect say by the passage of this bill, that if four, a dozen, or twenty men associate themselves together for the same purpose, they shall not be so held liable. That would be a violation of principles such as ought not to be tolerated. Gentlemen may say that it is a convenience for these men to carry on this business in the way proposed by this bill as it now stands. That may be so. And it may also be convenient for all of us to avoid some of our engagements for which we are now held responsible. It may be convenient, but it is not just. And let me say, it is also an especial convenience to the employees and the persons from whom this corporation may purchase their commodities for carrying on this manufactory, to be secured that which is their due, to have a liability which shall force this corporation to indemnify them for labor performed and articles furnished. I repeat, I know of no reason why a dozen men associated under the name of a corporation shall be exempt from liability, when one man carrying on the same business is not so exempt.

Upon the adoption of this amendment, I call for the yeas and nays.

The question being taken, the yeas and nays were ordered.

The question being then taken by yeas and nays upon the amendment of Mr. PETTIT, it was agreed to—yeas 27, nays 14—as follows:

YEAS—Messrs. Adams, Allen, Bright, Brodhead, Cass, Chase, Dodge of Wisconsin, Dodge of Iowa, Douglas, Evans, Fitzpatrick, Gwin, Hamlin, Houston, Johnson, Jones of Iowa, Mallory, Norris, Pettit, Sebastian, Slidell, Stuart, Thomson of New Jersey, Wade, Walker, Williams, and Wright—27.

NAYS—Messrs. Badger, Bell, Benjamin, Cooper, Dawson, Everett, Fish, Foot, Jones of Tennessee, Mason, Pearce, Smith, Sumner, and Thompson of Kentucky—14.

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 as amended ordered to be engrossed for its third reading; by unanimous consent, the bill was then read a third time and passed.

JOSEPH GIDEON.

Mr. BELL. I ask the Senate to take up Senate bill No. 32, for the relief of Joseph Gideon. It was passed at the last session of the Senate, but was lost in the House for want of time.

The motion was agreed to.

The bill was accordingly considered as in committee of the whole. It directs the proper accounting officer to settle and adjust the account of Joseph Gideon as an acting purser of the storeship Fredonia, from December 18, 1847, to May 16, 1848, and from June 8, 1848, to January 18, 1851, and to pay him the difference between the compensation of a captain's clerk and an acting purser during those periods.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read a third time, and passed.

ABSTRACT OF THE CENSUS.

Mr. BUTLER. I desire to move a reconsideration of the vote ordering the printing of 50,000 copies of the abstract of the census. I was not in when the vote was taken, or I should have been opposed to it; for it is well known that I entertain peculiar notions with regard to the whole question of the census. I think that more matter is embraced in the original census than ever ought to have been if we had followed the terms of the constitution. I understand that a vote has passed the Senate directing the printing of 50,000 additional copies of an abstract which has been ordered by the House of Representatives, without the abstract having been seen by any one. I offer the motion—which may lie over, if desired—for I have no idea of taking such things upon faith.

Mr. FITZPATRICK. Did I rightly understand the gentleman to say that he was not here yesterday when the vote was taken.

Mr. BUTLER. Yes, sir; I was not here.

Mr. FITZPATRICK. Then I raise the question of order whether the gentleman is entitled, under the rules, to make the motion to reconsider.

Mr. MASON. I will make the motion. I was here yesterday, and voted for the motion, I presume, being silent. There were no yeas and nays upon it.

Mr. FITZPATRICK. Do I understand that the senator from Virginia did not vote upon the question yesterday?

Mr. MASON. I was silent; but I presume that is an affirmative vote according to parliamentary usage.

Mr. BADGER, (in his seat.) Undoubtedly, no division having taken place.

The PRESIDING OFFICER stated the question upon reconsideration.

Mr. MASON. I leave the motion to be disposed of at the option of the gentleman who originally made it.

Mr. BUTLER. I am not desirous that we should reconsider at this time. I am willing that it should lie over; but I cannot agree to an order to print an abstract ordered by the House, without our having seen the abstract or having any explanation what it is.

The motion to reconsider accordingly lies over.

STATE DEPARTMENT.

On motion by Mr. CHASE, the report of the Department of State in relation to the clerks of the department was ordered to be printed.

MISSOURI COMPROMISE.

Mr. SUMNER gave notice that at the proper time he should move the following amendment to the bill to organize the Territory of Nebraska:

Provided, That nothing herein contained shall be construed to abrogate or in any way contravene the act of March 6, 1820, entitled "An act to authorize the people of the Missouri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories," wherein it is expressly enacted that "in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of 36 deg. 30 min. north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited.

Mr. SUMNER moved that the amendment be printed.

The motion was agreed to.

BASTROP GRANT.

Mr. SLIDELL. I ask the Senate to take into consideration Senate bill No. 23, confirming certain land claims in Louisiana in the Bastrop grant. This bill passed the Senate at the last session. It merely carries into effect the provisions of a previous law, and there can be no possible objection to it.

The bill was accordingly considered as in committee of the whole. It proposes to confirm such of the claims entered in the report of the register and receiver at Monroe, Louisiana, July 30, 1852, as, in their opinion, ought to be confirmed according to the principles of the act of Congress of March 3, 1851, in pursuance of which their report was made; which confirmation is to operate only as a relinquishment on the part of the United States. It also provides that where any claim, thus proposed to be confirmed, was not actually located prior to March 3, 1851, no location of it shall be made to the prejudice of any actual settler; but such claim may be located on any public land in the Ouachita district, subject to private entry.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read a third time, and passed.

EXECUTIVE SESSION.

On motion by Mr. HAMLIN, the Senate proceeded to the consideration of executive business; and after some time spent therein, the doors were reopened, and

The Senate adjourned.

WEDNESDAY, JANUARY 18, 1854.

MEMORIALS, PETITIONS, ETC.

Mr. FISH presented a petition of the inspectors of the port of New York, praying an increase of compensation; which was referred to the Committee on Commerce.

Mr. F. also presented a petition of citizens of New York, praying that a contract may be entered into with Christian Hansen for the transportation of the United States mails in steamers between Brooklyn, New York, and certain ports in Europe; which was referred to the Committee on the Post Office and Post Roads.

Mr. COOPER presented the proceedings of a meeting of citizens of Philadelphia in favor of a reduction of the rates of ocean postage; which were referred to the Committee on the Post Office and Post Roads.

Mr. SHIELDS presented the petition of Jean Baptiste Beaubien, of Illinois, praying indemnity for the loss of certain lands at the city of Chicago, in said State; which was referred to the Committee on Private Land Claims.

Mr. S. also presented the petition of M. Lovel, an officer of the army, praying that the compensation allowed officers of the army while attending courts-martial may be increased; which was referred to the Committee on Military Affairs.

Mr. HOUSTON presented the memorial of E. J. McLane, praying compensation for his services in seizing and detaining horses and mules smuggled into the United States from Mexico; which was referred to the Committee on Commerce.

Mr. JONES, of Tennessee, presented a petition of the mayor and aldermen of the city of Memphis, Tennessee, praying the establishment of a marine hospital at that place; which was referred to the Committee on Naval Affairs.

Mr. JOHNSON presented the petition of W. C. Jones, praying compensation for his services as an officer during the Florida war in 1837 and 1838; which was referred to the Committee on Military Affairs.

Mr. PEARCE presented the petition of John McCutchen, praying compensation for performing clerical services in the office of the Second Comptroller while a messenger in that office; which was referred to the Committee of Claims.

Mr. STUART presented a petition of citizens of Muskegon, Michigan, praying the establishment of a mail-route from Mill Point, via Muskegon, to Croton, in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. ADAMS presented the memorial of Clemens, Bryan, & Co., praying indemnity for losses sustained by the rescinding of a contract for furnishing supplies; which was referred to the Committee on the Judiciary.

PRINTING OF DOCUMENTS.

Mr. FOOT asked that the report of the Postmaster General, communicating, in obedience to a resolution of the Senate of the 9th instant, the causes of the repeated detention of the northern mail, particularly between the cities of New York and Washington, which was received yesterday, be printed for the use of the Senate; which was agreed to.

PAPERS WITHDRAWN AND REFERRED.

Mr. STUART asked leave to withdraw from the files of the Senate the petition of the administrators of John Anderson, praying remuneration for property destroyed by the enemy during the last war with Great Britain, and that the same be referred to the Committee of Claims; which was agreed to.

Mr. PEARCE asked leave to withdraw from the files of the Senate the memorial of John Connell, agent of various claimants residing in New York, Boston, Philadelphia, and Baltimore, praying the return of the amount of increased duties paid under the tariff of 1828, upon goods which were ordered previous to the passage of the tariff, but which did not arrive until after it went into effect; and that the same be referred to the Committee on Finance; which was agreed to.

Mr. SHIELDS asked leave to withdraw from the files of the Senate the memorial of Lewis Morris, praying compensation for military services in Mexico, and that the same be referred to the Committee on Military Affairs; which was agreed to.

Mr. MASON asked leave to withdraw from the files of the Senate the memorial of J. Balestier, praying to be allowed certain items rejected on the settlement of his accounts at the Department of State, for services and expenses as special agent to Cochin, China, and other portions of Southeastern Asia, and that the same be referred to the Committee on Foreign Relations; which was agreed to.

REPORTS FROM COMMITTEES.

Mr. BUTLER, from the Committee on the Judiciary, to whom was referred the petition of James Chapman, administrator of Thomas Chapman, praying to have paid over to him one-fourth part of the proceeds of the cargo of the Brig Diana, condemned for violating the non-intercourse laws, submitted a report, accompanied by a bill (S. 147) for the relief of the legal representatives of the late Thomas Chapman, formerly collector of the port of Georgetown, South Carolina; which was read and passed to a second reading, and the report was ordered to be printed.

Mr. HAMLIN, from the Committee on Commerce, to whom was referred the petition of Francis Barnes, praying compensation for his services as inspector at the custom-house at New Orleans, submitted an adverse report on the same; which was ordered to be printed.

Mr. BRODHEAD, from the Committee of Claims, to whom were referred the documents relating to the claim of Richard Fitzpatrick, submitted a report, accompanied by a bill (S. 141) for his relief; which was read and passed to a second reading, and the report was ordered to be printed.

Mr. B., from the same committee, to whom were referred documents relating to the claim of Don B. Juan, Domercy, a Spanish subject, submitted a report, accompanied by a bill (S. 142) for his relief; which was read and passed to a second reading, and the report was ordered to be printed.

Mr. BUTLER, from the Committee on the Judiciary, to whom was referred the petition of John G. Camp, late marshal of Florida, praying that the accounting officers of the treasury may be directed to settle his accounts on the principles which now govern marshals' accounts in like cases, submitted a report, accompanied by a bill (S. 145) for the relief of John G. Camp; which was read and passed to a second reading, and the report was ordered to be printed.

Mr. B., from the same committee, to whom was referred the memorial of Benjamin S. Roberts, an officer in the United States army, praying indemnity for losses sustained during the war with Mexico, asked to be discharged from the further consideration of the same, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. B., from the same committee, to whom was referred the bill (S. 24) explanatory of an act for the relief of Benjamin S. Roberts, reported that the committee had had the same under consideration, and asked to be discharged from the further consideration thereof, as the provisions of the bill were duly considered upon a previous occasion and disallowed by the committee.

The motion that the committee be discharged was agreed to.

Mr. PETTIT, from the Committee on the Judiciary, to whom were referred the petition and accompanying papers of Amos and John E. Kendall, praying compensation for services as counsel and agents for that portion of the Cherokee Indians known as the "Western Cherokees" or "old settlers," asked to be discharged from the further consideration of the same, and that it be referred to the Committee on Indian Affairs.

Mr. WALKER. Upon that motion, Mr. President, I desire to say a word. If there be any question involved in this case except a legal question, I am not aware of it. The facts are not disputed. It was to settle that legal point that this case was referred to the Committee on the Judiciary; and I should regret to see that committee discharged, and the case referred to the Committee on Indian Affairs. Sir, the Committee on Indian Affairs has already done all that it can do in relation to this matter. It made a report at the last session in favor of the claim; and the case, when it was brought before the Senate, was made to turn upon the legal question involved. What the Committee on Indian Affairs desired, and what I presume the Senate desired, was to get the legal opinion of the Committee on the Judiciary in regard to the question of law involved in the case.

Mr. PETTIT. I can only say, in reply to what has been said by the honorable senator from Wisconsin, that I know nothing of the contents of these papers myself. I was instructed to present them, and to make this report, by those members of the committee who had examined the case; and I have merely complied with the order of the committee.

Mr. WALKER. I will say, then, Mr. President, that I think it would be useless to refer the papers again to the Committee on Indian Affairs. If the Committee on the Judiciary wish to be discharged from the further consideration of the case, and the Senate think proper to discharge them, be it so; but I can see no utility in sending the case again to the Committee on Indian Affairs. I therefore ask for a division of the question.

The question being then taken on discharging the Committee on the Judiciary from the further consideration of the memorial and papers, it was not agreed to.

The question being taken on referring them to the Committee on Indian Affairs, it was agreed to.

Mr. PETTIT, from the Committee on the Judiciary, to whom was referred a resolution of the Senate of the 21st ult. instructing that committee to inquire whether, consistently with the constitution, provision can be made for referring causes instituted according to the course of the common law to referees, and whether such provisions, if they could be constitutionally made, would be expedient, submitted a report thereon adverse to the change proposed; which was ordered to be printed.

Mr. DODGE, of Wisconsin, from the Committee on Commerce, to whom was referred the memorial of citizens of Philadelphia, remonstrating against the removal of the United States mint from that city, asked to be discharged from the further consideration of the same, and that it be referred to the Committee on Finance; which was agreed to.

Mr. BUTLER, from the Committee on the Judiciary, to whom was referred the memorial of Samuel H. Hempstead, praying compensation for services rendered as district attorney under the act of 17th June, 1844, in defending claims to lands in Arkansas, submitted a report, accompanied by a bill (S. 146) for the relief of Samuel H. Hempstead; which was read and passed to a second reading, and the report was ordered to be printed.

Mr. B., from the same committee, to whom was referred the petition of Caleb Green, late clerk of the court of the United States in Louisiana, praying to be remunerated for office-rent, asked to be discharged from the further consideration of the same, and said that it ought never to have been taken from the files, as there had been two adverse reports on the subject.

Mr. SLIDELL. Mr. President, allow me to state, before the vote is taken on that motion, that I addressed a letter to the committee, two days since, requesting that these papers might be referred to the Treasury Department, expecting that some additional information in relation to the case would be received.

Mr. BUTLER. There has been no additional information received, so far as I know. I believe the papers were sent to the department. If, however, the case is as the gentleman states, the papers can be transferred to the department. That would be the proper course. I think that the case had better be investigated; and if there should be any additional testimony in relation to it, it can be referred at another time.

Mr. SLIDELL. I consent to that.

The question being taken, the motion that the committee be discharged was agreed to.

Subsequently, Mr. BUTLER said: Mr. President, I ask that the papers in the case of Caleb Green, which were reported back from the Committee on the Judiciary this morning, may be again referred to that committee, as some explanation has been made to me since it was reported. I reported it back, asking to be discharged from its further consideration, on the ground that there had been two or three adverse reports before. The senator from Louisiana informs me that there is information at one of the departments which will affect the case, and I therefore move that it be recommitted to the Committee on the Judiciary for further investigation.

The motion was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

A message was received from the House of Representatives by Mr. McKean, chief clerk, informing the Senate that the House had passed the bill (S. 28) concerning the district courts of the United States in California. They have also passed a bill (H. R. 73) explanatory of an act entitled "An act for the relief of Benjamin S. Roberts," in which the concurrence of the Senate is requested.

The House of Representatives concur in the resolution of the Senate for the appointment of a committee to join such committee as may be appointed by the House to report some form of acknowledgment to be adopted by Congress, to those engaged in the rescue of the passengers and crew of the steamship San Francisco, and have appointed Mr. CHANDLER, of Pennsylvania, Mr. McMULLEN, of Virginia, Mr. CUTTING, of New York, Mr. HUNT, of Louisiana, Mr. PRATT, of Connecticut, Mr. EDDY, of Indiana, Mr. VANSANT, of Maryland, Mr CROCKER, of Massachusetts, and Mr. SEWARD, of Georgia, the committee on their part.

He also stated that the Speaker of the House of Representatives having signed three enrolled bills, he had brought them to the Senate for the signature of their President.

The PRESIDENT *pro tem.* then signed the enrolled bills which had just been received from the House of Representatives, being a bill to change the name of the American-built brig John Dutton, and to grant a register in her name; a bill to continue in force the act entitled "an act to ascertain and settle the private land claims in the State of California, and for other purposes;" and an act to change the name of the American-built steamer "Falcon" to that of Queen City;" and they were delivered to the committee, to be presented to the President of the United States.

LEWIS B. WILLIS.

Mr. SHIELDS, from the Committee on Military Affairs, to whom was referred the bill from the House for the relief of Lewis B. Willis, reported back the same without amendment, and recommended its passage.

The Senate proceeded to consider said bill as in committee of the whole, and it was read. It provides that the Secretary of the Treasury shall be authorized to pay out of any money in the treasury not otherwise appropriated to Lewis B. Willis, late a paymaster in the United States army, the sum of $593 50, being the balance ascertained to be due to him from the United States by a verdict and judgment rendered in the district court of the United States for the eastern district of Louisiana.

No amendment being made, the bill was reported to the State, and ordered to be engrossed for a third reading. By unanimous consent, it was read a third time and passed.

LANDS TO PENNSYLVANIA.

Mr. COOPER, in pursuance of notice, asked and obtained leave to introduce a bill (S. 140) granting lands to the State of Pennsylvania to aid in the construction of the Sunbury and Erie railroad, to establish and endow a Normal school for the gratuitous education of female teachers, and for other purposes; which was read a first and second times by unanimous consent, and referred to the Committee on Public Lands.

Mr. C. said: Mr. President, in introducing this bill to the Senate, I desire to make a few remarks explanatory of its objects.

This bill grants to the State of Pennsylvania two millions three hundred and eighty thousand six hundred and eleven acres of the public lands of the United States, one half of which is to be appropriated to aid in the construction of the Sunbury and Erie railroad, a work designed to connect the Atlantic ocean with the western lakes, by a route shorter by nearly one hundred miles, and with lighter grades, than any other road hitherto constructed between the waters of the lakes and those of the ocean. This road is of as much national importance as any other to which the government has ever lent its aid—connecting, as I have already stated, Philadelphia with Erie, and the Atlantic with the lakes. The national character of this work has been repeatedly recognised by officers connected with the Topographical Bureau. Colonel Abert, in his report to the Secretary of War, on the 6th of November, 1845, says: "This railroad will furnish a communication between Erie and Philadelphia, and cannot of itself fail to give to the harbors of Erie considerations of great national importance."

The bill next provides, that so much of the remaining half of the lands granted to the State of Pennsylvania as shall be necessary for the purpose, shall be appropriated by the legislature of the State in establishing and endowing a normal school, at some suitable place, for the gratuitous education of female teachers; and the residue, if any, to be applied in aid of such works of internal improvements as the legislature may think proper.

Whatever may have been formerly thought of granting lands to aid in the construction of works of internal improvement within the States, the policy of such grants has been recognised by years of practice, and the appropriation of many millions of acres of the public lands. The lands granted for this purpose, it is true, have been generally contiguous to the roads they were intended to aid, and always within the limits of the States through which the roads were located. But although within the States, these lands were as much the property of the United States as if they had been outside of the State boundaries; and the members of the corporations to which they have been granted are frequently the residents of other States than those through which the improvements pass.

I am aware, Mr. President, that a distinction has been attempted to be drawn in favor of the grants to improvements in the new States. But this distinction has no foundation, either in justice or equity. The distinction attempted to be drawn consists of the alleged fact that the United States not only lose nothing by granting, as they do, the alternate sections for purposes of improvement within the States, but that, on the contrary, they become gainers by the increased facility of selling the reserved sections, and the appreciation which takes place in their price. This is plausible; but there is something sophistical in the argument. If these improvements, for whose benefit the lands are granted, were constructed by the companies which own them, from their own resources, the lands contiguous to them would rise in price, and trade and commerce receive all the stimulating effects that are erroneously supposed to be the result of the government grants.

It is sometimes said that works of internal improvement in the new States would stand still for want of means to carry them on, unless government should aid them with grants of land such as many of them have received. It is, no doubt, in a measure, true that some of these improvements might not have been constructed but for the aid afforded by government. But how many works of internal improvement in the old States have been deferred for want of adequate means to carry them on? Government aid is as necessary in the old States as in the new ones; for it is not true, as we are sometimes told, that the new States are too poor to make internal improvements without the aid of government. Almost all the new States are in the enjoyment of unexampled prosperity, possessing resources in the fertility of their soil which are unequalled in the older States. But this is not all. Even independently of the grants of land which they have received from the government, the new States have, in most instances, made the capital of the citizens of the old States tributary to their enterprises of internal improvement. Scarcely one of the great improvements in the western States but has enlisted the aid of eastern capitalists in its construction. The effect of these grants is, therefore, to swell the revenues of the stockholders in our eastern cities, who are largely interested in most of these enterprises.

But to return to the argument that a distinction favorable to the new States exists in the fact that the government is fully indemnified for the lands granted to them by the enhanced price of the reserved sections. Let this be conceded, and what does it amount to? The lands granted are for that reason none the less a gift to the companies engaged in making the improvements; and such gift is made at the expense of the purchasers of the lands, who are thereby compelled to pay a double price for them. These improvements, it is true, enhance both the lands and their products, by opening a cheaper road to better markets; but this effect is produced by railroads and canals in the old States as well as the new. What would be the advantages of the railroads and canals of Illinois, Indiana, Michigan, Missouri, and other new States, in comparison with what they are, were it not for similar improvements in the old States, through which their surplus products are poured into the laps of the cities on the sea-board?

The railroads and canals of New York, Pennsylvania, and Massachusetts, are scarcely less productive of benefit to the people of the States which I have mentioned than to the people of the States through which they pass. And will it be pretended that the improvements in the old States do less to promote the prosperity and increase the wealth, power, and security of the whole country, than similar improvements in the new ones? If they do not, the argument that the United States are more benefited by a grant of land to the new States than to the old ones is fallacious.

The truth is, when rightly told, that the doubling of the price of the alternate sections, as is now the practice, is a tax upon the people of the country for the benefit of the railroad corporations, which are the grantees of the lands. It is time that this fallacy should be exploded; and the people made to understand that these grants, which the clever ingenuity of our western friends has made them believe was a benefit to the country, is, when rightly understood, a tax upon themselves.

And, Mr. President, is there not something in this policy inconsistent with the idea now so prevalent in the country, that it is the duty of Congress to provide free farms for the people? There is no sort of harmony between the legislation which increases the price of one portion of the public lands, whilst it proposes to make gratuitous concessions of another.

I have no objection whatever to grant lands to aid in making improvements calculated to increase the wealth, power, and prosperity of the country. But while we *give* lands to railroads, let us not *sell* them to the people at a double price. Let us also be just. Concede as much to the new States as you please; but, in doing so, do not refuse to deal with equal liberality to the old ones, at the expense of whose blood and treasure the lands you are giving away were acquired.

The other purpose for which the proposed grant is made is one of such obvious public utility as to need no argument to enforce it. It is, as I have stated already, to establish and endow a school for the gratuitous education of female teachers. The merit of this suggestion belongs to an accomplished lady, Mrs. Sarah J. Hale, and is one which I am sure will commend itself to every liberal and patriotic mind. When the bill comes before the Senate for its action, I will use my privilege as a senator in pointing out its advantages at length.

One word more, and I have done. My object in fixing upon the number of acres which the bill proposes to grant was, that if other States should at any time think proper to follow the example of Pennsylvania, there might be a criterion for the number of acres found in the number of their population at the time the census of 1850 was taken. The number of acres mentioned in the bill was the number of people in the State in 1850.

Mr. WADE. I do not rise, Mr. President, for the purpose of opposing the second reading of this bill, nor its reference to the Committee on Public Lands; but I cannot help at this time making the observation, that it comes with an exceedingly bad grace *from* the State of Pennsylvania to call for a donation of land for the purpose of constructing railroads in that State, while it is a notorious and glaring fact, known to everybody, that she stands in open hostility to any communication across that State by railroad. Her citizens stand arrayed in open hostility to the general government, disobeying the decrees of its federal courts, imprisoning its marshals sent to execute its processes, burning railroad bridges, tearing up railroad tracks, showing a determined disposition to interrupt all railroad communication across that State between the east and west by way of a great thoroughfare; and these disturbances have been continued for some four or five weeks past. I suppose it is a fact that there is now obstructed on its way to market, by reason of these outrages, property to the amount of hundreds of thousands of dollars, and I do not know but millions—perishable property, which, in consequence of the detention, will ultimately be lost. I say, then, that it comes with an ill grace from the State of Pennsylvania to call on the general government for a donation of land for railroad purposes, while that State stands in open hostility to all the rest of the States. They ought not, at all events, to ask it until they put down these rioters at Erie; and that they have not thus far shown any willingness to do. I believe there is power in the State to quell these riots; but the last news which we received from that quarter this morning is that the road, after having been rebuilt, has been demolished.

Mr. BUTLER. By women.

Mr. WADE. By men in women's clothes. Now, I do not know that the general government can do anything in regard to this matter, but I do know that something ought to be done; and I take this occasion barely to announce the fact that such is the state of things existing at this time in the State of Pennsylvania, which, instead of being rebuked as it ought to be by the State authorities, is virtually sanctioned by her governor, who, in a letter to the rioters at Erie, expresses his sympathy with them in their transactions. We have reason, also, to believe that they are strongly backed in other portions of the State. And Philadelphia now comes to Congress and asks a grant of land for the construction of railroads, while the State will not permit a railroad to cross its lands. I have no opposition to make to this bill only so long as Pennsylvania refuses to allow thoroughfares to cross her domain, interrupting trade and commerce between her sister States.

Mr. COOPER. I have a word to say in reply to my friend from Ohio. He is a lawyer, and from what I have known of him here, I believe him to be a very good one. If, therefore, it were true that a very insignificant portion of our nearly three millions of people have been engaged in violating the law, it would be no reason at all why justice should not be done to the other portions. But, sir, there is an unwritten history in relation to these transactions at Erie; and although I deprecate violence at all times, although I would always have the people of the State which I represent bow submissively to the laws, I will say this—that there are sometimes provocations that would stir the stagnant blood even in the heart of cowards; and the gentleman's constituents have used provocations which were well calculated to produce the very scenes of violence which have taken place there. And, sir, when this unwritten history comes to be published, it will be found, in all probability, that the aggressions are not the aggressions of the people of Erie. And in saying this, I repeat that I shall never encourage a spirit that sets at defiance the laws of the country; but I feel bound to say this much in justice to my constituents, and I shall take some other more fitting opportunity than the present to show, at least, where the truth lies, and where the aggression comes from; and that if there has been wrong on one side, there has been outrage on the other to provoke it.

Mr. WADE. I have only a word to say in answer to the senator from Pennsylvania. He says that these aggressions have been provoked by outrages on the part of the citizens of Ohio, by which I suppose he means the railroad companies. All I have to say on that subject is, that these controversies between the citizens of Erie and the railroad corporations have been adjudicated and adjusted in the courts of the State of Pennsylvania, who have found the citizens of Erie at fault; and, consequently, that these rioters are acting in open opposition to the mandates of the courts of that State, as well as the federal courts. Therefore, it certainly does not look very well for the gentleman to say that the companies are altogether in the wrong. The presumption certainly ought to be the other way, inasmuch as the judgments of the State courts themselves are against the rioters.

Sir, this is not a new thing in the history of the State of Pennsylvania. From the time of the famous whiskey insurrection onward, insurrections, both in Eastern and Western Pennsylvania, have not been uncommon. But with that matter I have nothing to do. When this bill comes before the committee, I desire to have them look into the subject; and perhaps it might be well for them to insert a provision that, as a condition to the grant of land, Pennsylvania shall keep the peace with the rest of the Union.

The bill was then referred to the Committee on Public Lands.

VERMONT SENATOR.

Mr. PETTIT. Mr. President, I move that the Senate proceed to the consideration of the special order for to-day. I make the motion, however, with a view to get the subject before the Senate, and then moving its postponement to another day. I am informed that Mr. PHELPS, who is personally most interested in this matter, is confined to his room by indisposition, and is not able even to leave it. It is just and proper that he should be present when the subject is brought up, not only for the purpose of discussing it himself, as he intends to do, but for the purpose of hearing the question debated in the Senate. Under these circumstances, I shall move to assign another day for the consideration of the subject. I have consulted with some of those who desire to debate the question on either side, and they have agreed that Wednesday week will suit better than any other day.

Mr. THOMPSON, of Kentucky. I would suggest this day fortnight. The senator from Texas [Mr. RUSK] and the senator from Georgia [Mr. TOOMBS] will then be here, and there will be a full Senate.

Mr. PETTIT. So far as I am concerned, I am not at all particular as to any day. I shall be glad to suit all; but there is this objection to postponing the subject a fortnight: I am informed that there is one senator who desires to debate the negative of the proposition reported by the committee, or to take ground with the minority, and it will suit his convenience to be here next Wednesday. Besides, I have spoken with a great many senators, and they have expressed the view that, as this is a privileged question, it ought to be pressed at an early day—as early as possible consistent with prudence, and propriety, and justice to the senator from Vermont, whose case is in doubt and awaits a solution. I therefore think it would be better to postpone it for a week, and by that time I am satisfied the senator from Vermont will be in his seat and ready to discuss the question.

Mr. GWIN. I hope the senator will consent to postpone it till Monday week. The Nebraska bill will be up next week, and will probably consume the whole of the week.

Mr. SUMNER. You will not be able to pass that bill in one week.

Mr. BUTLER. One of my colleagues on the Judiciary Committee, the senator from Delaware, [Mr. BAYARD,] will not likely be here before Tuesday next; so that, if there is a postponement made with a view to accommodate any person, it is more particularly himself, because I understand he intends to address the Senate upon the question. This being a question of privilege, it ought to come on at as early a day as can be fixed, because the Senate may be embarrassed in case the gentleman from Vermont [Mr. PHELPS] should be called on to vote in any measure of perfect equality, this question having precedence in all parliamentary bodies. He cannot, however, press it in the gentleman's absence, and Wednesday week was fixed expressly in reference to the convenience of the senator from Delaware.

Mr. FOOT. I desire to say, on behalf of my colleague [Mr. PHELPS] and myself, whose State is most directly and most deeply interested in the result of this question, that there is no disposition on our part to interpose any obstacle, or any cause of delay, beyond what might be due to the justice and importance of the case, and the interest of all parties concerned. It is known personally to me that my colleague is unable from indisposition to appear in his seat this morning with safety to himself, considering the state of his health. He has expressed to me a desire to be heard at length before the Senate upon this question. I cannot doubt the entire disposition on the part of the Senate to accord to him the usual privilege and courtesy which has been extended to others whose right to a seat here has been brought in question; and while I would avoid any appearance of intention to delay the earliest possible final decision of this question, considering the state of my colleague's health at this time, I regard it as reasonable that some time further should be given, in order that he may have an opportunity to be heard upon this important question, and so interesting to him and to our State. Whether the day for its consideration be Monday or Wednesday next is a matter of indifference to me.

Mr. BUTLER. It had better be made the order for Wednesday.

Mr. PETTIT. I move to postpone it, and make it the special order for Wednesday next.

The motion was agreed to.

CHARLES A. KELLET.

Mr. EVERETT. In pursuance of previous notice, I beg leave to bring in a bill for the relief of Charles A. Kellet. This is a bill that has passed the Senate once without opposition, on a unanimous report of the Committee on Commerce. It is a very little matter, and I ask the unanimous consent of the Senate that it should have its second reading, with a view to put it on its passage. I am quite sure there will be no objection. It is a bill to refund the tonnage duties on the Chinese junk "Keying," provided they shall not exceed $500. The bill failed in the other House merely, as I am informed, for want of time. I will send to the Chair the report of the Committee on Commerce last session upon it. It is only eight lines long, and it will satisfy the Senate, I think, of the justice of the claim.

The bill was read a first and second time, considered in committee of the whole, reported to the Senate without amendment, and read a third time and passed.

BILLS REPORTED.

Mr. GWIN, from the Committee on Naval Affairs, to whom was referred the petition of Purser T. P. McBlair, reported a bill; which was read a first time.