BY ROBERT ARMSTRONG.

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IN CONGRESS OF THE U. STATES.

Thirty-Third Congress—First Session.

TUESDAY, JANUARY 24, 1854.

SENATE.

RESOLUTION ADOPTED.

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

Resolved, That the Postmaster General be directed to report to the Senate what steps have been taken to execute the eleventh section of the "Act to establish certain post-roads, and for other purposes," approved the 31st day of August, 1852; and to state whether it is the design of the department to put in operation the service provided for in said section; and if not, for what reasons.

AMENDMENT OF THE RULES OF THE SENATE.

Mr. BRIGHT. On yesterday, Mr. President, in changing the rule with regard to the admission of members, there was an omission, which I hope will be now supplied by unanimous consent. I now move to insert, after the words "mayor of Washington," the words "and Georgetown."

Mr. FITZPATRICK. I would like to add the heads of bureaus.

Mr. BRIGHT. They were included yesterday.

Mr. FITZPATRICK. I was not aware of that fact.

The PRESIDENT. The proceeding is entirely irregular, although by unanimous consent it may be done. The proper course to pursue would be to move a reconsideration of the resolution.

Mr. BRIGHT. I asked the unanimous consent, and I believe it was granted by the Senate.

The PRESIDENT. If there be no objection, the alteration will be made.

There being no objection, the rule was amended accordingly.

MEMORIALS, PETITIONS, ETC.

Mr. SHIELDS presented the memorial of Charles F. Fisher, praying Congress to purchase a painting of the battle of New Orleans, executed by him; which was referred to the Committee on the Library.

Mr. BRIGHT presented the memorial of Michael Nourse, late chief clerk in the office of Register of the Treasury, praying compensation for the several periods during which he performed the duties of Register, and compensation for acting as disbursing agent; which was referred to the Committee of Claims.

Mr. TOUCEY presented the memorial of Abner Bassett and others, owners and masters of vessels, pilots, and others, praying that a beacon may be placed on Black Ledge, at the entrance of the harbor of New London, Connecticut; which was referred to the Committee on Commerce.

Mr. T. also presented the petition of Charles P. Williams and others, owners and agents of vessels, masters, pilots, and others, praying that a beacon may be placed on Sugar reef, and buoys at the eastern extremity of Watch Hill reef, and on Wamphassoc shoal, and that the breakwater in Stonington harbor may be repaired; which was referred to the Committee on Commerce.

Mr. T. also presented the petition of Hotchkiss & Lewis, and others, the petition of A. Lane & Co., the petition of Josiah Leland, and the petition of F. Lathrop & Son, praying for the passage of a law protecting patentees, and those having rights under them, against infringement or evasion by persons beyond the jurisdiction of the United States; which were referred to the Committee on Patents and the Patent Office.

Mr. BUTLER presented a document in relation to the claim of the heirs of Henry N. Cruger, to indemnity for spoliations by the Indians in Florida in 1835 and 1836; which was referred to the Committee of Claims.

Mr. HAMLIN. Mr. President, I have been requested to present a memorial, very numerously signed by citizens of the State of Maine, asking that some provision of law may be made by which those soldiers who served in the war of 1812, and who were imprisoned at Halifax and Dartmoor, may be entitled to receive pensions; and to the consideration of this memorial I ask the careful attention of the Committee on Pensions. I think there were no persons who served during that war—indeed, I think there is no class of persons who ever rendered service to their country—who endured such hardships, and those which so affected their health, as those who were imprisoned upon that occasion. There are now but a few of them left, and of that few who remain none can be found whose constitutions have not been injured by that imprisonment.

The memorial was accordingly referred to the Committee on Pensions.

Mr. DODGE, of Iowa, presented the petition of inhabitants of the counties of Shelby, Menomonee, and Harrison, in the State of Iowa, praying the establishment of a military post at a suitable point within one of those counties; which was referred to the Committee on Military Affairs.

Mr. CASS presented the petition of William Rees, praying permission to select ten or twelve thousand acres of land for the establishment of a normal settlement; which was referred to the Committee on Public Lands.

Mr. NORRIS presented the memorial of citizens of Portsmouth, New Hampshire, praying the construction of a ship-canal around the Falls of Niagara; which was referred to the Committee on Public Lands.

Mr. SLIDELL presented the petition of officers of the navy and marine corps who were attached to the Gulf squadron during the late war with Mexico, praying to be allowed extra compensation, so as to be placed on an equal footing with the officers who served in the squadron on the Pacific coast; which was referred to the Committee on Naval Affairs.

Mr. FITZPATRICK presented an additional document in relation to the petition of Hugh Wallace Wormeley; which was referred to the Committee on Pensions.

Mr. JOHNSON presented a document in relation to the claim of Sally T. B. Cochrane, for compensation for a horse lost by her late husband in the military service; which was referred to the Committee on Military Affairs.

Mr. J. also presented the petition of citizens of Arkansas, praying the establishment of a mail-route from Brownsville, via Richwoods, Clear Lake, and Bocage Mills, to Pine Bluff, in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. J. also presented a petition of citizens of Arkansas, praying the establishment of a mail-route from Lehigh Post Office, via Busby Woods, to Storer's Gin, in that State; which was referred to the Committee on the Post Office and Post Roads.

PAPERS WITHDRAWN AND REFERRED.

Mr. NORRIS asked leave to withdraw from the files of the Senate the documents relating to the application of the mutual Insurance Company of Washington for a charter, and that the same be referred to the Committee on the District of Columbia; which was agreed to.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message was received from the President of the United States by Mr. Webster, his private secretary, transmitting a report of the Secretary of State, together with a set of works illustrative of the Exhibition in London of 1851, to which it refers, in order that such disposal may be made of them as may be deemed advisable; which was read; and, on motion by Mr. WELLER, it was referred to the Committee on the Library.

INCREASE OF PENSIONS.

Mr. JONES, of Tennessee, submitted the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That the Committee on Pensions be directed to report to the Senate upon the expediency of increasing the rates of pensions of the non-commissioned officers who have served, or who may serve, in the army of the United States.

REPORTS FROM COMMITTEES.

Mr. SEBASTIAN, from the Committee on Indian Affairs, to whom were referred documents in relation to the claim of Theodore E. Elliott, reported a bill (S. 161) for his relief; which was read and passed to a second reading.

Mr. STUART, from the Committee on Patents and the Patent Office, to whom was referred the memorial of Hiram Moore and John Hascall, praying an extension of their patent for a harvesting machine, submitted a report, accompanied by a bill (S. 162) for the relief of Hiram Moore and John Hascall; which was read and passed to a second reading, and the report was ordered to be printed.

Mr. BRIGHT, from the Committee on Finance, to whom was referred the bill to provide for the surrender of certain bonds of the State of Indiana held by the United States, reported it back with an amendment, in the form of a substitute for the bill, and also submitted a report on the subject; which was ordered to be printed.

WIDOW OF CAPTAIN GUNNISON.

The bill granting five years' half-pay to the widow of Capt. Gunnison came up on its third reading.

Mr. CASS. Mr. President, when the objection was raised by my colleague yesterday, in reference to the name of Mrs. Gunnison, I thought that, by a reference to a letter which I had received from her, I could ascertain the name with which the blank should be filled; but I find, on looking at the letter, that it is signed with the initial only of the Christian name. It seems to me, however, that there can certainly be no objection to putting in the word "Mrs."—Mrs. Gunnison, the widow of Capt. Gunnison.

Mr. JONES, of Iowa, (in his seat.) Mrs. M. Gunnison.

Mr. CASS. I believe the initial is "M.," but I am not certain about it; it is sufficient to say Mrs. Gunnison. This is what is done every day; we say Mrs. A. B., widow of C. D., &c., and the widow and orphan children receive their pensions without any difficulty. There is no question about the identity, and I submit to my colleague whether he should not withdraw that objection.

The PRESIDENT. There are two blanks to be filled: the bill reads, "the name of —— Gunnison, widow of Capt. —— Gunnison," &c.

Mr. CASS. It should be "Mrs. Gunnison, the widow of Captain —— Gunnison," inserting his name, whatever it may be.

Mr. JONES. The bill has got to go to the House, and by the time it returns we shall have ascertained the name of this lady, and it can then be inserted informally.

Mr. STUART. Mr. President, my colleague misapprehended me a little in saying that I interposed an objection to this bill yesterday. I merely made a suggestion that the bill would probably be of no value without an amendment or a filling of the blank. For my own part, I am very anxious that the earliest legislation possible should be had upon this subject, and I have no objection whatever to the insertion as now proposed. I think that to describe the lady as the widow of the late Captain Gunnison, giving his Christian name, would be sufficient.

Mr. CASS. If the Chair will be good enough to lay that bill by for a few moments, we can refer to the Army Register and ascertain the Christian name of Capt. Gunnison. I hope that course will be pursued.

The PRESIDENT. That course will be pursued if there be no objection.

Subsequently, Mr. CASS said: I have now ascertained the name of Captain Gunnison, and I move to fill the blanks so that it will read "the name of Mrs. Gunnison, widow of Captain John W. Gunnison, late an officer in the United States army," &c.

The motion was agreed to, and the bill was then read a third time and passed; the title being amended to read as follows: "An act granting five years' half-pay to the widow of Captain John W. Gunnison."

PAMELA BROWN.

Mr. JONES, of Iowa. Mr. President, I now ask the Senate to take up and consider bill No. 121, for the relief of Pamela Brown, widow of Major General Jacob Brown, deceased; and I think the reading of the report will satisfy senators, if they are not already satisfied, that the bill ought to be passed.

The motion being agreed to, the Senate proceeded to consider the said bill, which was read a second time and considered as in committee of the whole. It provides that the Secretary of the Interior shall place the name of Pamela Brown, widow of the late Major General Jacob Brown, upon the list of pensioners, and pay her a pension at the rate of one-half the pay per month to which her said husband was entitled at the time of his death; said pension to commence on the 1st day of January, 1838, and continue during her natural life.

No amendment being made, the bill was reported to the Senate.

Mr. ADAMS called for the reading of the report, and it was read accordingly.

Mr. CASS. Allow me to express the hope, Mr. President, that this bill will be allowed to pass unanimously, as a tribute of justice to the living, and a tribute of respect to the memory of the dead. For one, sir, I can testify that this was one of the most gallant and meritorious officers who ever bore his country's standard in battle. I knew him well when living; I knew him during his whole service in the war, and subsequently to the time of his death; and I know personally, as well as a fact can be known, that he never recovered from the wounds received in the tremendous contest at Niagara river, which resulted in so much honor to himself, and which adorns one of the brightest pages of our country's history. Under these circumstances, I hope the Senate will pass this bill immediately; it is merely an act of gratitude—an act of justice to him.

Mr. ADAMS. I asked to have the report read, not for the purpose of opposing the bill, but in order to see whether the facts of the case would justify making this case an exception to all the other cases provided for at the last session; and I find that they do. The rule in other cases allows the pension for five years; in this case, however, it seems to be proved to the satisfaction of the committee that he died from wounds received in battle. I have no objection whatever to the bill; I only desired to learn the facts in relation to the case.

The bill was then ordered to be engrossed for a third reading; and by unanimous consent it was read a third time and passed.

NEBRASKA TERRITORY.

Mr. DOUGLAS. Mr. President, I now ask the Senate to proceed to the consideration of the bill to establish the Territory of Nebraska.

Mr. NORRIS. I hope, Mr. President, that we shall not proceed to the consideration of that bill at this time. The substitute which the honorable senator from Illinois submitted yesterday has not been laid before us long enough for us to understand what it is; and this is a bill of too much importance to be considered hastily.

Mr. DOUGLAS. I would suggest to my friend from New Hampshire, that in speaking to various members of the Senate about the subject during the last week or two, I have found that a large portion of the members have not read the bill as it was first reported and laid upon their tables; and I do not know of any way to get the Senate to read the bill or to consider it, except by opening the debate. It is not my purpose to push it to a vote. I have no idea that there will be a vote until every gentleman has as much time as he wants to devote to the examination of the subject; and there is no necessity, therefore, of waiting until the subject is fully understood before the bill is taken up. Besides, we shall have to vote upon the various amendments, and I would like to have the consideration of the subject commenced as soon as possible. My impression is, that the sooner the discussion upon it is opened, the better; but I will submit to a vote of the Senate. My object is to act upon it at as early a day as possible; for I find that my territorial bills, if I do not get them acted upon early in the session, are generally crowded out at the end of the session, and are lost for want of time. I feel it to be my duty to keep the territorial bills as far ahead as I can. I acknowledge frankly that there is a good deal of territorial business which I wish to bring up, before the Senate get engrossed with other matters that will override it, and prevent action upon it. I hope, therefore, that the Senate will now proceed to take up this bill.

Mr. CHASE. I hope the honorable senator from Illinois [Mr. DOUGLAS] will not press the consideration of this bill this morning. As originally introduced by the honorable senator from Iowa, [Mr. DODGE,] it was simply the bill which was presented to the Senate for its consideration at the last session. It has since undergone very great changes in the hands of the Committee on Territories, and was printed and laid upon the tables of senators some days since embodying those changes. But no longer ago than yesterday the committee changed the form of the bill again altogether, proposing to create two Territories instead of one, with other changes, also, in material provisions relating to other questions of very great public importance. That bill, as last modified, being in fact two bills in one, has been laid upon the tables of senators this morning only, and I presume no one has yet had an opportunity to read it. It is, therefore, quite natural that senators, in response to the inquiries of the honorable senator from Illinois, should say that they have as yet had no opportunity to read a bill laid upon their tables only this morning. This bill involves very important matters, and, therefore, when we do take it up, we should take it up with the determination to proceed with it until it is disposed of. It is very probable that the Senate will not be in session to-morrow, owing to a circumstance which we all regret, and which no doubt is within the knowledge of all present. The special question of privilege in relation to the seat of a Vermont senator has also been made the special order of the day for to-morrow; and it is very desirable that all senators should know who are entitled to seats here, and that the representation of the States should be as full as possible. Therefore, that discussion should precede the other. Under all the circumstances, I would suggest to the honorable senator from Illinois that it would be better to postpone the further consideration of this subject until some day next week—say Monday—and make it the special order for that day.

Mr. JONES, of Tennessee. So far as I am concerned, I do not care how soon this debate is commenced; the sooner the better. And in order to obviate the suggestion and objection of the honorable senator from Ohio, [Mr. CHASE,] I will make this suggestion: The chairman of the Committee on Territories [Mr. DOUGLAS] is probably as well prepared now to give his opinions upon this subject as he ever will be. I think, therefore, if the bill is now taken up, and the chairman of the committee is permitted immediately to make his explanation of the bill, the Senate will be better informed concerning it by that process than by any other they might adopt. If, after he has made his explanatory speech, gentlemen desire to postpone the further consideration of this bill until to-morrow or some other day, I shall have no objection to it. But I think we will facilitate business very materially by allowing the bill to be taken up now, in order to give the chairman of the committee an opportunity to lay before the Senate his views in relation to it. I therefore hope it will now be taken up.

Mr. DOUGLAS. I do not wish this matter to be affected by any question of courtesy towards myself. I have no speech to make, and desire only to call the attention of the Senate to certain points in the bill, which may occupy some fifteen or twenty minutes of time. I am willing to do that now; and then if the Senate shall think proper to go on with the discussion to-day, or postpone it until Monday next, and make it the special order for that day, and so on from day to-day until it is disposed of, I shall be willing to do whatever the Senate may desire. I will acquiesce cheerfully in any disposition the Senate may make of this matter, provided we can have early action upon the bill, and keep on considering it from day to day till it is finally disposed of.

Mr. CASS. I think it would be better if the honorable senator from Illinois [Mr. DOUGLAS] will allow this bill to lie over until Monday next. It embraces important matters, which will probably give rise to considerable discussion, and which will need considerable examination. Senators here say they have not yet had an opportunity to read the bill, and are not prepared now to consider it. I think, therefore, a just comity would suggest the propriety of not pressing the consideration of so important a measure as this upon the Senate at this time, when they are not prepared for it. I submit, therefore, that under the circumstances it would be better to allow this bill to lie over until the day named—Monday next.

Mr. DOUGLAS. It seeming to be the general wish of the Senate that this bill should be postponed until Monday, I will therefore move that it be postponed until then, and made the special order from day to day until disposed of.

Mr. CHASE. Say this day week.

Mr. DOUGLAS. I do not wish to postpone this bill until, and have its consideration commence upon, a day so late in the week as that. I will now submit the motion that the further consideration of this bill be postponed until Monday next, and that it be made the special order for that day at one o'clock, and so on from day to day until disposed of.

Mr. DIXON. I hope the motion of the honorable senator from Illinois [Mr. DOUGLAS] will prevail. I think it is due to the Senate that they should have an opportunity of inquiring into and understanding the bearings and effect of the amendment which has recently been incorporated into the bill as it was originally reported from the Committee on Territories. I mean that portion of the amendment which relates to the question of slavery within the proposed Territory of Nebraska, and also the Territory of Kansas. So far as I am individually concerned in the matter, I am perfectly satisfied with the proposed amendment as reported by the senator from Illinois, if I understand it correctly. It reaches the very point which I was most anxious to attain—that is, it virtually repeals that portion of the act of '20 which declares that slavery shall not exist north of the parallel of 36 deg. 30 min. north latitude—the act commonly known as the Missouri-Compromise act.

And I will take occasion here to remark, merely with a view of placing myself right before this Senate and the country, that I have been misunderstood, I think, in regard to my position in relation to this matter. I have been charged, through one of the leading journals of this city, with having introduced the amendment, (which I gave the Senate notice it was my intention to propose, at the proper time, to the bill first reported by the Committee on Territories,) with a view of embarrassing the democratic party—that I was a whig senator from Kentucky, and therefore the amendment of which I gave notice would be looked upon with suspicion by the opposite party. Now, I wish to remark, that upon this question of slavery I know no whiggery; I know no democracy. I am a pro-slavery man; I am from a slaveholding State; I represent a slaveholding constituency, and I am here to maintain the rights of that constituency, whenever they are brought before this body. The amendment, which I notified the Senate I should offer at the proper time, has been incorporated into the bill by the last report of the senator from Illinois, as chairman of the Committee on Territories. It meets my views entirely. I have no further objection to the bill, and at the proper time I shall, so far as I am able to do so, aid and assist the honorable senator from Illinois, and others who are anxious to carry that bill through, with all the feeble ability and power which I may be able to bring to bear for that purpose. I feel it due to myself to make this explanation, because I did not wish it to be understood that, upon a question like this, I did have or could have any other motive than that which should influence a man in the upholding of those principles which he honestly believes to be true and correct, and in opposition to one to which he is honestly opposed—that is, the congressional interference in the Territories of the United States, so far as this great question is concerned.

I am in favor of congressional non-interference in relation to the question of slavery in the Territories of the United States. I never did believe in the propriety of passing the Missouri-Compromise act. I have always thought it was passed solely as a matter of necessity. I never believed the late and honorable senator from Kentucky [Mr. CLAY] advocated that measure because his judgment really approved of it in itself. I always thought, and now think, it was but the pressure of circumstances which drove him to support it, but that it never did receive the sanction either of his heart or his head; and in moving the amendment which I intended to move if it had not been incorporated into this bill by the committee of which the honorable senator from Illinois is chairman, I should have made the motion with the firm conviction that I was but carrying out the views originally entertained even by Mr. Clay himself, previous to the adoption of the provision which restricted slavery within the limits comprised in the Missouri-Compromise act.

Mr. DOUGLAS. I feel it my duty, without entering at all into a discussion of this bill, to say a word of explanation in regard to what has just been said by the honorable senator from Kentucky, [Mr. DIXON.] I am glad to hear him say that the bill, as now presented, comprises all that he intended or desired to accomplish by his amendment, because that amendment seemed to me, and to some with whom I consulted, to have meant more than what he now explains it did mean, and what I am glad to hear he did not intend it to mean. We supposed it not only wiped out the legislation of Congress heretofore adopted, excluding slavery from Territories within certain limits, but that it really legislated slavery into that Territory. The object of the committee was neither to legislate it in, nor to legislate it out—neither to admit nor to exclude slavery—but simply to remove whatever obstacles Congress had placed there, and apply the doctrine of congressional non-intervention. The explanation of the honorable senator from Kentucky shows that his amendment was not what many supposed it was, judging from its phraseology. I deem this explanation due to him and myself.

Mr. DIXON. I am obliged to the honorable senator from Illinois [Mr. DOUGLAS] for placing me right upon that point. And surely the phraseology of the amendment of which I gave notice would not authorize the construction that it seems has been given to it—that is, that it would legislate slavery into the Territories of the United States. Now, the language of that amendment is in substance this: that the law shall not be so construed as to prevent persons from taking their slaves into that Territory, but that they shall have the same right to do so as if the Missouri-Compromise act had never been passed. What is the effect of that? It only places slaveholders in the same position they would have occupied had that law never been passed. It does not secure to them any new right by legislative enactment, but merely removes an obstacle which legislative enactment here had thrown in the way of slaveholders taking their property into these Territories. That is the only effect my proposed amendment could have had, had it been adopted.

I will here beg leave to remark, that I have always believed, and maintained as a sound proposition, and expect to be able to maintain it here in this discussion, that the power of Congress never was intended to extend over the subject of slavery, either within or without the limits of the Territories of the United States.

Mr. DOUGLAS. I now move that the further consideration of this question be postponed until Monday next, and that it be made the special order for one o'clock on that day, and from day to day until it is disposed of.

The question being then taken, the motion was agreed to, and the bill postponed and made the special order accordingly.

FRENCH SPOLIATIONS.

Mr. HAMLIN. I ask the Senate to take up Senate bill No. 36, providing for the ascertainment and settlement of the claims of American citizens on account of spoliations committed by the French prior to the year 1801. I wish it taken up merely for the purpose of assigning some day upon which the Senate will vote upon it. I do not propose to discuss it, but ask to have it taken up merely for the purpose of fixing a time when the Senate will take a vote upon it.

No objection being made, the bill was taken up without being read.

Mr. HAMLIN. I now move that next Monday week be assigned for the consideration of this bill, and I shall on that day ask a vote of the Senate upon it. I do not propose to discuss it then; I should hardly deem it proper or just to the Senate to do so. This is a subject with which all the Senate are familiar. I desire merely that the Senate should come to a vote upon it as early as possible. I therefore move that the further consideration of this bill be postponed until next Monday week, and that it be made the special order for that day.

The question being then taken, the motion was agreed to, and the bill postponed until, and made the special order for, next Monday week.

SECRET SESSIONS OF THE SENATE.

Mr. CHASE. If there is no pressing business before the Senate, I would ask that my resolution submitted a few days since be now taken up for consideration—I mean the resolution in reference to secret sessions. I will state that I am not anxious to do anything more than simply have a vote taken upon that question now.

The resolution reads as follows:

Resolved, That the following rule be adopted for the regulation of proceedings in the Senate; and that so much of the 38th, 39th, and 40th rules as may be inconsistent with the rule hereby established, be rescinded:

"All sessions and all proceedings of the Senate shall be public and open, except when matters communicated in confidence by the President shall be received, and in such other cases as the Senate by resolution from time to time may specially order."

No objection being made, the resolution was then taken up for consideration.

Mr. MASON. A resolution of similar import has already been brought before the Senate by the predecessor [Mr. Allen] of the honorable senator from Ohio [Mr. CHASE] since I have been here, and it then underwent some discussion. I doubt not senators have their minds made up on this subject. As a test question, I move that this resolution be laid upon the table; and upon that question I ask for the yeas and nays.

The yeas and nays were ordered accordingly.

The question being then taken by yeas and nays upon the motion to lay the resolution upon the table, it was agreed to—yeas 23, nays 14—as follows:

YEAS—Messrs. Allen, Badger, Bell, Butler, Cass, Cooper, Dawson, Dixon, Evans, Everett, Fish, Fitzpatrick, Foot, Johnson, Jones of Tennessee, Mason, Sebastian, Shields, Smith, Stuart, Thomson of New Jersey, Toombs, and Toucey—23.

NAYS—Messrs. Chase, Dodge of Wisconsin, Dodge of Iowa, Douglas, Gwin, Hamlin, Norris, Pettit, Slidell, Sumner, Wade, Walker, Weller, and Williams—14.

DANIEL LOOMIS.

On motion by Mr. WADE, the Senate then took up, and proceeded to consider in committee of the whole, Senate bill No. 109, reported from the Committee of Claims—being "A bill for the relief of the legal representatives of Daniel Loomis, deceased;" which was read the second time. The bill provides for the settlement, upon principles of equity, of the accounts of Daniel Loomis, so far as he was an original contractor for making the Cumberland road, or any part thereof, different from the original contract, and keeping the same in repair, and the payment of any balance found due to his legal representatives.

Mr. WADE. I wish to state that this bill passed in full Senate at the last session. It has been again recommended unanimously by the same committee to which it was referred at the last session. I trust there will be no objection to its passage at this time.

No amendment being offered in committee of the whole, the bill 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.

NOAH MILLER *et al.*

On motion by Mr. HAMLIN, the Senate then took up, and proceeded to consider in committee of the whole, Senate bill No. 50, reported from the Committee on Commerce—being "A bill for the relief of the legal representatives of Noah Miller, of Lincolnville, in the State of Maine, and for the relief of other persons;" which was read the second time. The bill appropriates the sum of $10,000, to be paid to the legal representatives of Noah Miller, and to others who aided, either as boat's crew or pilot, in making a prize of the British schooner Mary, and taking her into a port in the Penobscot bay in the year 1814.

Mr. HAMLIN. The report of the committee in this case is somewhat lengthy, and perhaps I can state the substance of it much more briefly than it is there set forth, and in less time than it can be read. This bill, I think, has passed the Senate some half a dozen times, but has never been reached in the House of Representatives. The vessel named in the bill—the British schooner Mary—was seized by the persons named, and taken into port; but it was subsequently taken possession of by the custom-house officer, wrongfully and against law. One-half of the proceeds of the sale of that vessel was paid into the treasury of the United States, when, under the law regulating legal prizes, it rightfully belonged to the captors. This bill provides for the payment of $10,000 to the captors of that vessel, or their legal representatives.

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

WILLIAM WEEKS.

On motion by Mr. SLIDELL, the Senate then took up, and proceeded to consider in committee of the whole, Senate bill No. 102, reported from the Committee on Private Land Claims—being "A bill for the relief of the heirs and legal representatives of William Weeks." The bill confirms to the heirs and legal representatives of William Weeks a grant of land consisting of 2,030 arpents, in the State of Louisiana, made to him by the governor of Louisiana before it was admitted into, or came under, the government of the United States.

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

IRA BALDWIN.

On motion by Mr. ALLEN, the Senate then took up, and proceeded to consider as in committee of the whole, Senate bill No. 26, reported from the Committee on Private Land Claims—being "A bill for the relief of Ira Baldwin." The bill directs the Secretary of War to issue a land warrant for 320 acres to Ira Baldwin, a Canadian volunteer, and also directs the Secretary of the Treasury to pay him the sum of $180 for three months' extra pay, the same being in full compensation for his services as a volunteer in the late war with Great Britain.

Mr. HAMLIN. I desire to say that this bill passed both the House of Representatives and the Senate at the last session. It passed the Senate at a somewhat late period of the session, not on the last day, but only a day or two preceding; and in the confusion incident to the close of all sessions of Congress, and owing to some unavoidable mistake, it failed to be presented to the President for his signature. The report, which is a very brief one, will explain the reasons why the committee recommend the passage of the bill.

Mr. PETTIT. It is all right; there is no necessity for reading the report.

Mr. WALKER called for the reading of the report, and it was accordingly read.

The report sets forth that Ira Baldwin was born in the State of Connecticut, but for some years anterior to, and at the commencement of the late war with Great Britain, he resided at Kingston, Upper Canada, and was engaged in river transportation, owning three river boats and the half of a schooner. He left Canada and volunteered to enter the United States army, in which he performed various and valuable services. He lost his property in Canada by this course. The papers in support of his claim for indemnity have been several times prepared for presentation to Congress, but have been lost or misplaced, until the present papers were presented. The committee report against allowing him indemnity for losses, but in favor of granting him 320 acres of land, and $180 in money, that being allowed by law to other persons in his situation.

No amendment being offered in committee of the whole, the bill was then 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.

SCHOONER GRAMPUS.

On motion by Mr. GWIN, the Senate proceeded, as in committee of the whole, to the consideration of the bill (S. 113) for the relief of the widows and orphans of the officers and seamen of the United States schooner Grampus, who were lost in that vessel in March, 1843, near the coast of the United States.

The bill gives the same relief heretofore given in the cases of the brigs Somers and Washington.

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

PRIVATE BILL DAY.

On motion by Mr. BADGER, the following resolution, submitted by him upon yesterday, was considered and agreed to:

Resolved, That for the residue of the present session every Friday shall be set apart exclusively for the consideration of private bills on the general orders of the day; and that on the first Friday of every month no such bill shall be taken up to which there shall be objection, or the consideration of which may lead to debate.

FRIGATE PHILADELPHIA.

On motion by Mr. FISH, the Senate proceeded, as in committee of the whole, to the consideration of the bill (S. 116) for the relief of the captors of the frigate Philadelphia.

It directs that in consideration of the extraordinary and meritorious services rendered by Stephen Decatur, as commander of the ketch Intrepid on the occasion of the recapture and destruction of the frigate Philadelphia, in the harbor of Tripoli, on February 16, 1804, $15,000 be paid, under the direction of the Secretary of the Navy, to his widow and his three nieces, Priscilla D. Twiggs, Anna P. Stockton, and Mary H. McKnight, to be distributed—one-half to the widow, and the other half equally among the nieces; that $90,000 be paid to the other surviving officers and the crew of the Intrepid, or to the widows, if any, of such as are dead; or, if there be no widows, to the legal representatives of such deceased captors, to be distributed *pro rata* among the officers and crew, their widows or legal representatives, their assigns, or the lawful attorneys of said parties, appointed under their hands and seals, according to the rates fixed by the sixth section of the act of April twenty-third, eighteen hundred, for the better government of the navy of the United States: *Provided*, That in no case shall any creditor of any deceased officer, seaman, or marine be entitled to receive any of the benefits of this act; and, also, that any portion of this appropriation which may remain unclaimed in the treasury at the expiration of the term of three years from the date of the act, shall be carried to the surplus fund.

Mr. HUNTER called for the reading of the report, if any had been made.

Mr. FISH. There is no report. This is, in its terms, precisely the same bill which passed the Senate unanimously during the last Congress. The subject has been frequently before this and the other branch of Congress, and has alternately received the sanction of one or the other, but has never been passed into a law, in consequence of differences which arose between the representatives of one of the claimants. The bill, as it passed the Senate during the last Congress, was passed to meet these objections, to satisfy both parties claiming as representatives of that officer. The bill passed the Senate unanimously at the session before the last, after some consideration. It provides for the distribution and the valuation of this frigate in accordance with the law of 1800, commonly called the prize act, with the only exception that the share of Commodore Decatur is made somewhat larger than it would be under the prize act. It fixes the valuation of the vessel at $105,000.

Mr. HUNTER. Why should not the fund go to the executor? Why introduce this new principle by distributing to the widows and nieces?

Mr. BADGER. It is a donation.

Mr. HAMLIN. I think the principle of the bill is well settled. At one time there was opposition to the bill, growing out of a diversity in the interests of the parties themselves. But now both parties acquiesce in this distribution, and the only question which has been raised was, not whether the parties were entitled to the amount, but as to the manner in which it should be distributed; and as to that, I do not think it necessary that we should raise technical objections when the parties themselves are satisfied.

Mr. BAYARD. I am in favor of this bill; but I should like to see it amended in one respect, and I will submit a motion for that purpose. The bill provides, as regards the commander of the vessel, for the distribution of the sum appropriated among certain parties. That is all proper enough. The individuals who are to receive that part of the appropriation, within the intention of Congress, are sufficiently pointed out; but when you come to the distribution of the residue of the fund among the other officers and the crew, the provision is, in the first place, that the money is to be paid "to the surviving officers and crew of the ketch Intrepid, or to the widows, if any, of such as are dead"—that is all right—"or, if there be no widow, then to the legal representatives of such deceased captors who were engaged in the capture and destruction of the frigate as aforesaid, to be distributed *pro rata* among the said officers and crew, their widows, or the legal representatives, their assigns, or the lawful attorneys of said parties." I think the provision ought not to extend beyond the lineal descendants; therefore, the provision ought not to be for the legal representatives, but for the surviving children, or their issue.

It is true there is a subsequent provision that no creditor shall receive any benefit under the bill; but is it not at least questionable whether, if the money be paid to the legal representatives of the deceased parties, (which would, of course, within the meaning of the law, include their executors or administrators,) and the fund goes into their hands, a creditor may not have a right to claim it at law, although the money is not to be paid to him under the bill?

It is not a matter of question whether, if the money were paid to the representative of a party, it would not form a part of the assets of the estate? It might be so construed. The object of Congress is, I suppose, to make a gratuity to the individual, if living; if not, to his widow; and, if his widow be dead, then to his lineal descendants. I do not know whether it will extend to collaterals or not; my impression, however, would be against that. The words in the bill—"the legal representatives, their assigns, or the lawful attorneys of said parties"—would extend the provision to the payment of individuals who might have advanced money upon speculation on the necessities of the parties. I will, therefore, move to strike out of the seventh line of the second section the words "the legal representatives of such deceased captors," and insert "the surviving children of the deceased captors, or their issue."

Mr. FISH. I accept the amendment.

Mr. BAYARD. I also move to make the same amendment in other parts of the section, so as to make it consistent.

Mr. FISH and Mr. BADGER. That follows, as a matter of course.

The PRESIDING OFFICER, (Mr. STUART in the chair.) The Chair understands that there is no objection to the amendment; the bill will therefore be modified accordingly.

The bill was reported to the Senate as amended; the amendment was concurred in; the bill was ordered to be engrossed for a third reading, and was read a third time and passed.

EXECUTIVE SESSION.

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

DEATH OF THE RUSSIAN MINISTER.

Mr. MASON. Mr. President, I discharge a melancholy duty in announcing to the Senate that the Hon. Alexander de Bodisco, the minister of Russia to this government, departed this life, at his residence in this District, on Monday last, and I am informed that his funeral will take place to-morrow afternoon at 3 o'clock. This eminent gentleman, Mr. President, was known to all of us officially, and I presume to most of us personally; and we knew him, while always devoted to the interests and the honor of his country, to have adorned the society in which he moved by an exemplary and virtuous life.

He was the oldest member of the diplomatic corps at Washington, having resided here, as the minister of his government, for some seventeen years; and by matrimonial alliance in our country he had drawn around him a large and cherished circle of family connexions. It was my fortune—my good fortune—to have known him well for many years, and to have been in the habitual interchange with him of those kind courtesies of society which smooth, while they adorn, our varied paths of life. By his lamented death his government has lost a zealous and faithful minister, and his surviving family and connexions an affectionate and devoted husband, parent, and friend. Knowing that—as a mark of respect to the occasion, as well as to the memory of the deceased minister—senators will desire to be present at the funeral, I offer to the Senate the following resolution:

It being made known to the Senate that the Hon. Alexander de Bodisco, envoy extraordinary and minister plenipotentiary of Russia to the United States, departed this life, at his residence in this District on Monday last, and that his funeral will take place to-morrow, it is

Resolved, As a mark of respect to the government of the deceased minister, in amity with the United States, and in further respect to his memory and virtues, and to enable senators to attend his funeral, that when the Senate adjourns to-day, it will adjourn to meet on Thursday next.

Mr. GWIN. I hope that resolution will not pass, though I am perfectly willing that a motion should be made to adjourn over till Thursday next, with the understanding that we may show our respect as individual members of society, but not as senators to a foreign minister. If Congress adjourns on the death of a foreign minister, it will be establishing a precedent, for it will be the first time that such a resolution has ever gone on the public records. I endorse everything that the senator from Virginia has said with regard to Mr. Bodisco, but I think we had better simply pass a resolution that when the Senate adjourns it be to meet on Thursday next.

Mr. MASON. I stated, before I offered the resolution, that I did it upon consultation with, and with the approbation of, several senators who are older, more experienced, and wiser than I am. I confess that the form in which it has been offered met my entire approbation. The minister of a foreign court is the representative of the sovereignty of his country, and is accredited to the government to which he is sent as such; and it follows, as a consequence, that he is the guest of the nation; he has a perfect immunity of his person and of his property, and he is recognised and treated as the immediate representative of the sovereign who has sent him. He is the guest of the nation. I cannot see, therefore, that we have gone further than the strictest propriety would require in what is proposed; and if it be the first instance—and I am informed that it is, and we have made some search to ascertain the fact—in which a minister of a foreign government in amity with us has died at the seat of government while the Congress of the United States was sitting, I should be gratified, for one, to set that example of respect to foreign sovereignties.

Mr. BUTLER. I am inclined to vote for that resolution upon a ground which has not been assigned, though I think it is a very good one. I think Mr. Bodisco, and all other ambassadors, occupy an official relation to this body. Primarily, of course, all negotiations are conducted between the ministers and the President of the United States; but we know that their communications come to this body, and we are thus, in some measure, associated with the ministers from abroad. In that point of view I can see a propriety in passing the resolution.

Mr. HAMLIN. It seems to me that the resolution draws the line of distinction precisely where it should be drawn. It provides that the Senate shall adjourn over, allowing senators, in their individual capacity, to attend the funeral if they see fit. It does not bind the Senate, and does not propose that the Senate shall attend the funeral in a body. I therefore hope the resolution will pass as it is.

Mr. CASS. I regret very much that there should be any opposition to the adoption of the resolution. It seems to me to be very unexceptionable. This gentleman came here as an ambassador from one of the highest powers in Europe, and he died in the midst of us. Nothing can be more proper, under the circumstances, as a mark of respect for his government, than to give senators the opportunity of attending his funeral. The senator from Maine has just observed that that is the very purpose for which we adjourn—that we, as individuals, may attend the funeral, as a mark of respect. I like the resolution. It is a mark of respect that will be appreciated in Russia, and I should be very happy to have it passed.

Mr. GWIN. I do not object to a resolution to adjourn over till Thursday, but I wish to know if there ever has been such a resolution placed upon the records of this body. I do not think it is necessary to make the resolution so formal. I am willing to vote that when we adjourn, it shall be to meet on Thursday next, under the circumstances, so that senators may have an opportunity of attending the funeral if they wish to do so. That form will be better. I shall vote against the resolution in its present form, but I will vote for a motion to adjourn over till Thursday, with the understanding that it is to give senators an opportunity to attend the funeral.

Mr. SHIELDS. I agree in some respects with the senator from California. I should be very much gratified to see the Senate adjourn over, but I will ask my honorable friend from Virginia to reconsider the latter part of the resolution. It reads thus: "Resolved, as a mark of respect to the government of the deceased minister." I think that, perhaps, under existing circumstances, in the present aspect of the world, that might as well be omitted. "In amity with the United States." That is true. "And in further respect to his memory and virtues." I have no objection to that. "And to enable senators to attend his funeral." That is very proper. But I should think that something in this form would, on the whole, be better: "It being made known to the Senate that the Hon. Alexander de Bodisco, envoy extraordinary and minister plenipotentiary, &c., has departed this life, therefore, to enable senators to attend his funeral, resolved, that when the Senate adjourn to-day, it be to meet on Thursday next;" because, if the course proposed be pursued in relation to this deceased minister, it would be necessary to pursue it in relation to all ministers and all representatives, no matter how insignificant or how feeble their government might be. I apprehend there is no instance of a legislative assembly taking this course in relation to the death of a minister. I know of none. I should be very much gratified, however, to hear from my honorable friend from Michigan, [Mr. CASS,] or from my honorable friend from Massachusetts, [Mr. EVERETT,] who are better acquainted with the diplomatic courtesies of governments, as to the custom in such cases.

Mr. MASON. I would suggest to the honorable senator from Illinois that he knows very well that it is impossible to reconcile all shades of individual opinion in the language of a resolution of this kind.

Mr. SHIELDS. Will the senator permit me to ask whether it would not be better simply to announce the fact of the death, and thereupon adjourn? I think that would be amply sufficient.

Mr. MASON. I submit that the expression of respect for his government is a term that is appropriate while the government remains in amity with ours; and as to the expression of respect towards a gentleman occupying his position in society, it is a matter of chivalrous courtesy; and, whatever may be the present position of that government, as to its present history, we have nothing in the world to do with it.

Mr. SHIELDS, (in his seat.) That is true.

Mr. MASON. I should prefer to have the resolution pass as it is. It was prepared with some care, and not by myself alone, or expressing my own individual opinion.

Mr. JOHNSON. The Senate will not desire, I imagine, to render honors in connexion with an event of this character, however melancholy the event itself may be, and however much to be regretted by every member of the body, which would be considered unusual throughout the world; nor will the Senate for a moment be willing that it should fail in the bestowment of such testimonials of regret and respect as may be due to a high official of another government, with which we are now at peace. I do not desire to express any opinions of my own on this matter, but I desire to have the light and the knowledge and experience which have been obtained by older gentlemen upon this floor to guide me. The distinguished senator from Michigan, and the honorable senator from Massachusetts, [Mr. EVERETT,] and others, have large experience, and can inform us what is customary at foreign courts when events of this kind occur. I will gladly vote to render such testimonials of respect, under the circumstances, as are given elsewhere, but no more. So far as we are concerned, the matter is important only in respect to the precedent we shall establish, as this is the first instance in which a case of this kind has come before the Senate. Oft-recurring precedents, we find, embarrass our action, and tend to the consumption of our time. We adjourn on the death of a member of the Senate or of the House of Representatives, and in some instances we have adjourned when persons who were not members have died; and these adjournments over are increasing. Such precedents, when once established, are never departed from. They grow up, and will continue. By precedents we are constrained until they become inexorable, and business of great moment is sacrificed to a questionable custom. While, therefore, we pay becoming respect, let us pause ere we embarrass our future action. We may learn from the experience which gentlemen have derived in other countries what course we should now pursue.

Mr. SHIELDS. I will offer the amendment more formally which I suggested. It is as follows:

It being made known to the Senate that the Hon. Alexander de Bodisco, envoy extraordinary and minister plenipotentiary of Russia to the United States, departed this life, at his residence in this District, on Monday last, and that his funeral will take place to-morrow, therefore, to enable senators to attend his funeral,

Ordered, That when the Senate adjourn to-day, it will adjourn to meet on Thursday next.

Mr. BAYARD. If I understand the amendment of the senator from Illinois, it seems to take from the resolution what should be kept in it—the diplomatic capacity of the deceased, as a minister of a foreign government.

Mr. SHIELDS. If there is to be any contest about the amendment, I will withdraw it.

Mr. WALKER. I call for the yeas and nays upon the resolution.

The yeas and nays were ordered.

Mr. BADGER. I hope the senator from Virginia will withdraw his resolution. We had better do nothing than do it by divided sentiment.

Mr. CASS. It destroys the whole merit of it.

Mr. GWIN. I move to amend the resolution by striking out all after the word "resolved," and inserting, "that when the Senate adjourn to-day it adjourn to meet on Thursday next."