good kind of land, if it is at all fit for cultivation, on account of number in it. If he and growth any thing, it is worth that sum. While the United States are made contingent to these it should act, in reference to its sale, very tardily, allow, until it becomes its appropriate price, the sale of lands at quite below such price. The effect will be to secure the lands from being confined before the work is done. Without the attraction the price may be fixed by contractors and others influenced by interested motives to have it below its value of the land. Besides, when it is found that this attention operates injuriously, it will be time enough to save a section out.

This bill finds the State, as I have said, in honestly and faithfully appropriating all the funds raised out of these lands to the improvement, and when it is done the residue is to be converted as an alienation fund for the benefit of those who purchased the lands. I have no idea of permitting the State to apply any money that may be made by the sale to its public works or improvements elsewhere in the State, or to pay it into its treasury generally. It would be subject to make South Florida pay for the public works of the other sections of the State. There are different projects in different sections of our State for canals and railroads, and so forth, and I know my those interested would like to have capital furnished by such funds. I am singular in my act. Sir, that there are those who would like the everglades or any other lands given to contractors some work they feel interested in outside of this point. We are all too apt to be selfish in such matters. Florida had a large donation given her for internal improvements when admitted as a State, and my judgment is that it will be to manages, and the effect of the selfish struggles to get hold of the proceeds of these lands will be, that it will never do the State much good. Hence, in this bill I have carefully stipulated that every cent raised from these lands shall be expended for the citizens who purchase and reside on them. I repeat, sir, I would vote against an unconditional grant of these or any other lands to any State, even my own; for all know such bill would stand no chance of favorable success here. No such bill can pass Congress. A grant without conditions, or not stating its object, or for general improvements generally, would be the creating, as I said on a former occasion, of a *corruption fund* in the State. Surely my colleagues must be aware of the fate of all past applications to Congress with respect to lands situated in some corners in these everglades are. The Senator from Missouri (Mr. Benton) and in his seat to-day, for twenty-five years has sought to get such law passed with respect to worthless swamp lands in Missouri; the Senator from Arkansas (Mr. Borland) tried a bill of the same kind last session; the Senator from South Carolina (Mr. Clemens) advocated such measure in his celebrated Memphis report; the present Secretary of the Treasury, (Mr. Walker,) while in the Senate, sought for nine entire years to get such a law; the delegation from Louisiana, for several sessions, have been asking for such law, and it cannot be gotten through both Houses. The difficulty of lands being made, in a general law, to suit all the cases is insuperable. Unless such law secures the action of the State to effect the reclaiming of the lands, it is useless, perfectly useless. I feel as had the United States stood seven worthless lands as any body else, if they are to remain worthless. The object of every section should be to secure the reclaiming of the lands. It is not alone for the benefit of Florida that they should be reclaimed. The Union are deeply interested in the navigation through the canal across the peninsula the will secure; in the productions the reclaimed region, and none other in the United States, are rare; and in the increase of strength to a frontier portion important in a naval and military point of view. This is what I wish to accomplish. If I thought a grant for my State, I would ask it at once from the Treasury rather than try to attain it indirectly through these lands. I hope my colleagues will state his objections hereafter more fully and particularly, when I will endeavor to answer them. Unless some Senator declares to say something, I will now ask that this bill may be passed over informally till to-morrow, that Senators may read the documents.

Mr. FITZPATRICK. Being a new member, my attention has not been directed to the bill reported at the last session, and I have only seen the report and documents this morning. I should prefer to have time to examine the documents, and hope that the bill will be passed over for a day or two to enable me to do so, as I understand the Senator from Florida (Mr. Westcott) advocating it is willing that such a course should be taken.

Mr. YULEE. I desire to say that it was not my purpose to throw any impediment in the way of this bill; on the contrary, I shall be rather disposed to facilitate its progress. My purpose is simply to state the views which I entertain in relation to the subject, and the policy that will govern my course in regard to all applications of this kind. I do not feel disposed to act in regard to my own State in a manner in which I would not act in regard to all others. I shall be governed by general rules which I have prescribed for myself, and from them I shall not depart.

The bill was then passed by informally.

PRIVATE CLAIMS.

The Senate proceeded as in Committee of the Whole to the consideration of the bill for the relief of Philip J. Fontaine. After a short debate the bill was read a third time and passed.

On motion of Mr. CAMERON, the Senate proceeded as in Committee of the Whole to the consideration of the bill for the relief of Eben A. Mellon; which was reported back to the Senate without amendment.

The question being on the third reading—

Mr. KING observed that he hoped it would not be read a third time to-day. They had set apart a day for the consideration of private bills, and their consideration, or, at all events, final action upon them, ought to be restricted to that day, because otherwise they would not receive that degree of attention which ought to be given to them. He would ask any Senator now present if he understood what this bill was? He would venture to say there were not half a dozen who did. There was no explanation, no report. And it was in this way they were proceeding to act upon bills appropriating money out of the treasury. He hoped all private bills would be reserved for private bill day; they would then receive a proper degree of attention.

Mr. CAMERON. I am surprised at the opposition of my honorable friend from Alabama to this bill. It was only the other day we passed a bill of his granting a large sum of money; there was no objection then to the consideration of the bill upon a day that was not private bill day.

Now, the facts in regard to this bill are these. The applicant is very aged and very helpless. Her husband was killed in Florida. She received from the Government a pension for five years, and this bill is to renew that pension. The bill has passed the House, and was sent to the Committee on Pensions of the Senate, and carefully examined by that committee. They have reported favorably upon it; there can therefore be no doubt as to the propriety of passing the bill. If deferred now, it may not be reached at all during the whole session. It has been three years pending already. I trust the Senator from Alabama will withdraw his objection.

The bill was then read a third time and passed.

On motion of Mr. BUTLER, the Senate proceeded to the consideration of Executive business, and after some time so spent the doors were re-opened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

Petitions (the States being called for that purpose) were presented by Messrs. JOHNSON, of Arkansas, SMITH, of Illinois, EVANS, of Ohio, and GREGORY.

PAYMENT TO MEXICO.

Mr. VINTON, from the Committee of Ways and Means, reported a bill to provide for carrying into execution in part the twelfth article of the treaty with Mexico, concluded at Guadalupe Hidalgo; which bill was twice read, and made the special order for Wednesday next. It is in the following words:

Be it enacted, &c. That the following sums of money be and the same are hereby appropriated, out of any money in the treasury not otherwise appropriated, for the purpose of carrying into execution in part the 12th article of the treaty between the United States and Mexico, made and concluded at Guadalupe Hidalgo on the 2d day of February, A.D. 1848:

For payment of the instalment and interest which will fall due under said article on the 30th day of May, A.D. 1849, the sum of $3,782,000.

For payment of the instalment and interest which will fall due under said article on the 30th day of May, A.D. 1850, the sum of $3,532,000.

CONSULS IN CHINA AND TURKEY.

Mr. HUBBARD, from the same committee, reported the following resolution, which was read and agreed to:

Resolved, That the Committee on Foreign Affairs be instructed to inquire whether any alteration is necessary in our consular system in the Chinese and Turkish empires; and, also, whether any of our Consuls, or the houses with which they are connected, have been or are engaged in any trade, in violation of the laws of either of said empires; with power to send for persons and papers; and report by bill or otherwise.

TERRITORIAL GOVERNMENT FOR CALIFORNIA.

Mr. SMITH, of Indiana, from the Committee on the Territories, reported a bill to establish the Territorial Government of Upper California, which was read and committed.

The first section of this bill provides for the organization of the Territory of Upper California. That nothing in this act shall impair the rights of the Indians of the country, or of the General Government to make any regulation respecting such Indians. Also, that this act shall not be construed to prohibit the Government from dividing said territory in such manner and when Congress may choose.

The second section provides for the appointment of a Governor in the usual way, and for four years gives him the usual duties to perform, with the duties and emoluments of Superintendent of Indian Affairs.

Section three provides for a Territorial Secretary, to hold his office for five years, unless sooner removed, and devolves the usual duties upon him.

Section four provides for a Territorial Legislature, a Council and House of Representatives. The former to consist of nine members, to serve three years, &c.; the latter at first of eighteen members, but not to be increased beyond forty. This section also provides the manner in which the Legislature shall be elected, and how long it shall sit at a session.

Section five designates who shall be voters in the Territory. All free male citizens of the United States over twenty-one years of age, except Indians and Africans, or the descendants of the latter, who shall have been inhabitants of the Territory when organized, and eligible to election; provide soldiers, sailors, and marines of the United States from voting, &c.

Section six defines the powers of the Legislature to be those usually granted in such cases.

Section seven provides how county, township, and other minor officers of the Territory shall be elected.

Section eight precludes members of the Legislature (except the first), from holding offices created, &c., during the term for which they may have been elected.

Section nine provides a Judiciary for the Territory, defines its duties, and limits the authority of its several branches.

Section ten provides a District Attorney for the Territory.

Section eleven provides in what manner certain of the territorial officers shall qualify, and what shall be their compensation.

Sec. 12. And be it further enacted, That the inhabitants of said Territory shall be entitled to enjoy all and singular the rights, privileges, and advantages granted and secured to the people of the territory of the United States northwest of the river Ohio by the articles of compact contained in the ordinance for the government of said territory on the 13th day of July, 1787, and shall be subject to all the conditions, restrictions, and prohibitions in said articles of compact imposed upon the people of said territory.

Section thirteen provides for the selection of a seat of government, and the erection of suitable buildings for the government purposes, for the meeting of the first session of the Legislature.

Section fourteen provides for the election of a territorial representative in Congress; how he shall be chosen, &c.

Section fifteen provides for the temporary selection of census and judicial officers, before the judiciary of the Territory, &c. can be permanently organized.

Section sixteen provides that the officers of the Territory in whose hands the public money may come shall give proper security.

Section seventeen establishes the Territory in one collection district, the district of Upper California, and provides for the requisite custom-house officers.

Section eighteen designates the salaries or compensation of said custom-house officers, &c., and extends the revenue laws of the United States over the Territory.

FORCES ENGAGED WITH MEXICO.

The following resolution, offered by Mr. SWEARY on the 11th instant, was read and agreed to:

Resolved, That the Secretary of the Navy be requested to communicate to this House the number and places of rank of all persons employed in the naval and marine service on the Gulf and Pacific coast during the war with Mexico. And also that the Secretary of War be requested to communicate to this House the whole number of regular troops engaged in the late war with Mexico, and the States in which they were enlisted, and any other facts in possession of the War Department showing the number of *regular troops* engaged in said war from each State in the Union.

THE LEVYING OF DUTIES IN MEXICO.

The following resolution, offered by Mr. BERRIEN on the 13th instant, was read and agreed to:

Resolved, That the President of the United States cause to be communicated to this House the amount of moneys and property received during the late war with the republic of Mexico at the different ports of entry, or in any other way within her limits, and in what manner the same has been expended or appropriated.

PUBLIC DEBTS OF THE UNITED STATES.

The following resolution, offered by Mr. TALLMADGE on the 13th instant, was read and agreed to:

Resolved, That the Secretary of the Treasury be requested to have prepared for the use of this House a statement showing the manner in which every public debt of the United States, from the one of the Continental Congress up to the present year, has been contracted; the amount of each, from whom obtained, under what law authorized, the manner and time of payment, and the amount, if any, now due on each, together with the amount of unclaimed dividends both of principal and interest.

NEW SERVICE FOR MEN-OF-WAR.

The following resolution, offered by Mr. GREELEY on the 13th instant, was read and agreed to:

Resolved, That the Secretary of the Navy be requested to inquire into and report upon the expediency and feasibility of temporarily employing the whole or a portion of our national vessels now on the Pacific station in the transportation, at moderate rates, of American citizens and their effects from Panama and the Mexican ports on the Pacific, to San Francisco, in California.

The House then proceeded to consider the resolution offered by Mr. STEPHENS, on the 11th instant, to pay John B. Fry, who acted as clerk in the office of the Sergeant-at-arms at the last session of Congress, the same amount of extra compensation as was allowed the assistant clerks in the office of the House of Representatives.

Mr. ATKINSON moved to lay the resolution on the table, pending which—

REFERENCE OF THE PRESIDENT'S MESSAGE.

On motion of Mr. COBB, of Georgia, the House resolved itself into Committee of the Whole on the state of the Union on the annual message of the President of the United States.

The debate was resumed by Mr. FISHER, who occupied the floor during his allotted hour, and who was followed by Messrs. LAHM and HUNT.

After Mr. HUNT concluded, the committee rose and reported progress, and the House adjourned.

THURSDAY, DECEMBER 21, 1848.

IN SENATE.

Mr. ATCHISON presented the credentials of the Hon. WILLIAM K. SEBASTIAN, elected by the General Assembly of the State of Arkansas to fill the vacancy occasioned by the death of the Hon. ONEZEMA ASHLEY.

Mr. SEBASTIAN, having been duly qualified, resumed his seat.

PAY DEPARTMENT OF THE ARMY.

Mr. DIX, from the Committee on Military Affairs, reported a bill concerning the pay department of the army, with an amendment, striking out all after the enacting clause, and inserting the following:

"That the pay department of the army shall consist of a paymaster general, who shall have the same rank, pay, and allowances as are at present provided by law, and the same tenure of office as the heads of other disbursing departments of the army; two deputy paymasters general, with the same rank, pay, and allowances as are now provided by law for such officers, and the same tenure of office as officers of like grade in other disbursing departments of the army; and twenty-five paymasters, with the same rank, pay, and allowances as are now provided by law for such officers, and the same tenure of office as officers of like grade in other disbursing departments of the army.

"Sec. 2. *And be it further enacted*, That it shall be the duty of all disbursing officers of the pay department to renew their bonds, or furnish additional security, at least once in four years, or as much oftener as the President may direct.

"Sec. 3. *And be it further enacted*, That the officers of the pay department provided for by the first section of this act shall consist of the paymaster general, the two deputy paymasters general now in commission, the fifteen paymasters who are in service under the acts in force at the commencement of the war with Mexico, and the paymasters to be selected from the additional paymasters now in service, and from the thirteen paymasters authorized by the acts of June 17, 1846, and the 3d of March, 1847."

CAPTORS OF THE PHILADELPHIA AT TRIPOLI.

Mr. YULEE. I have been requested to ask the Senate to take up, though not in its order, a bill for the relief of the captors of the frigate Philadelphia. It is a case of long standing, and a very meritorious one. It should therefore be acted on very speedily.

The bill was taken up accordingly, and read and considered as in Committee of the Whole. It proposes to give the sum of $100,000, under the direction of the Secretary of the Navy, to the officers and crew of the *Ketch Intrepid*, commanded by Stephen Decatur, who were engaged in the capture and destruction of the frigate *Philadelphia*, in the harbor of Tripoli, on the 16th February, 1804, to be distributed *pro rata* among the officers and crew, according to the rates fixed by the 6th section of the act of April 23d, 1800, for the latter government of the navy of the United States. The sum specified in the bill appears to have been regarded as one half of the estimated value of the frigate.

At the request of several Senators, the report made by Mr. YULEE, from the Committee on Naval Affairs, on the 10th of August last, on this subject, was read by the Secretary. The facts therein stated are memorable in our history. During our contentions for the freedom of navigation of the Mediterranean, and after the war with Tripoli had commenced, a small squadron, under the command of Commodore Preble, (the U. S. frigate Constitution being the flag ship,) was dispatched by our Government for the purpose of carrying on hostilities against that despotic Power, and bring it to terms.

The United States frigate Philadelphia, one of the squadron, commanded by Captain Bainbridge, when cruising off the harbor of Tripoli, struck upon the rocks lying in the immediate vicinity of the fortifications, and was stranded. Finding it impossible, at or using every exertion, to get off his vessel, or to resist the overwhelming force of the enemy, Captain Bainbridge was forced to surrender, and his officers and men were made prisoners, and removed to the dungeons of the city fortifications. The frigate, subsequently, was got off the rocks by the Tripolitans, having sustained but little injury, and was moored by them within pistol shot of the Tripolitan navy, manned and made ready for sea. More than one hundred pieces of heavy cannon were mounted on board of the different vessels of the Tripolitans, manned by upwards of one thousand seamen; and the whole lay within the immediate protection of formidable land batteries, consisting of one hundred and fifteen pieces of heavy artillery, and within sight of a force of twenty thousand troops, stationed in the city and its vicinity.

The loss of this fine frigate and her noble crew was most seriously felt, and proved a great detriment to the American squadron, in carrying on efficient operations against an active enemy.

Under these circumstances, so annoying to our squadron, the then Lieutenant Stephen Decatur, conceived the bold idea of recapturing the Philadelphia with his vessel, the U. S. schooner Enterprise, which he then commanded, and communicated his plan of operation to Commodore Preble.

The Commodore was fully impressed with the importance of so daring an act, approved the plan, and accepted the offer of Lieutenant Decatur's services. But, sensible that success must depend on the secrecy, celerity, and gallantry of its execution, and that an attempt to bring out the frigate, if captured, would, in all probability, be attended with too great hazard and loss of life, gave peremptory orders to set fire, after capture, to every accessible part of the frigate; and, after "cleaving out her bottom," to abandon her.

In compliance with this permission and his orders, Lieut. Decatur manned a small ketch, of about sixty tons, (which he had recently captured, and was named by Com. Preble the "Intrepid,") with seventy officers and men, volunteers from his own vessel, and sailed from Syracuse, where the American squadron lay, on the 3d February, 1804.

He had an unusually stormy passage, and arrived on the 9th following off the coast. After perfecting all his arrangements, he ran, after dark, into the harbor of Tripoli, disguising his movements as much as possible, to deceive the enemy, by whom he was observed and suspected; and at about 10 P. M. by his vessel boldly alongside the Philadelphia, boarded and carried her, sword in hand, in the most gallant style, after a severe though short conflict on the decks of the frigate, in which upwards of twenty of the enemy were slain, and the rest driven below or scuttled.

The capture was made with such gallant daring, and with so many concurring favoring circumstances, that, in the opinion of many, the frigate could have been easily carried out of the harbor, and again added to the American squadron. But the peremptory orders of Commodore Preble for such an attempt; and, after deliberately setting her on fire, as dictated in his instructions, and remaining on board "until the fire had communicated to the rigging and tops," Decatur abandoned her to her fate, bringing off his whole crew, under a heavy fire from the batteries and shipping, without the loss of a man, (having but one slightly wounded,) and rejoined the American squadron.

Mr. KING. I would ask the chairman of the Committee on Naval Affairs whether a bill making an allowance of a considerable sum of money to some of the individuals under the claim now proposed to be allowed, has not already been paid?

Mr. YULEE. No, sir. Several favorable reports have been made, and several bills have been reported to Congress, but they have always failed of passage, on account of the contest that has been going on with respect to the distribution of prize money. The contest arose from the fact that the vessel had not the usual quota of officers on board; and the officers in command claim that they should receive the whole amount which would have been allowed had the vessel been fully officered. They would thus have received a larger proportion of the prize money than they were justly entitled to. The present committee have been endeavoring to bring this struggle to a close by adopting a new scheme for the distribution of the prize money, under which the men and inferior officers will receive a much larger proportion of the prize money than they have heretofore expected. It is indeed a case of high merit, and one that would have been settled long ago, but for the claims set up by the representatives of Commodore Decatur.

Mr. KING. I suppose there is not a member of this body who is not prepared to give full credit to all—particularly to the commanding officer—who were engaged in the enterprise. It was certainly one of the most brilliant ever undertaken; and in consequence of the gallantry evinced by all concerned in the expedition, Commodore Decatur, and the officers under him, received very rapid promotion. I recollect the case well. It has been before Congress many years, and never brought forward at an earlier period because Decatur was not the man to present it. He, as well as all the officers connected with him, regarded their promotions somewhat in the light of remuneration. In regard to allowing the officers one half the amount of the value of the vessel captured, that principle was adopted in order to secure to our naval officers an appropriate reward, in cases of vessels destroyed because of their crippled state at sea, or because they could not be brought into port for fear of capture by the enemy. This rule prevailed for some time, though it was ultimately disregarded. If I am not very much mistaken, the honorable Senator from Florida (Mr. YULEE) is in error as to the statement of an allowance having been made to any of these parties whose claim is now before us. I would ask the Secretary if a law was not passed some years ago, giving a considerable amount of money to Susan, widow of Commodore Decatur, in consequence of certain claims put forth by her, and arising out of the destruction of the frigate Philadelphia?

Mr. YULEE. It was some other claim, sir.

Mr. KING. I am under the impression that such is the fact; but, at any rate, it is a matter worthy of inquiry whether we have not acted upon this subject before; and whether a partial, if not a general allowance has not been made to some of these officers? I think the honorable Senator had better allow the bill to lie over till the facts can be inquired into. I am prepared to go as far as any man on this floor in rewarding our officers and seamen for gallantry and good conduct, upon any and every occasion, when we have the opportunity. A more meritorious officer than Stephen Decatur never served any country under the sun. The officers associated with him were men who distinguished themselves not only upon that occasion, but subsequently upon other occasions; and although I am disposed to act liberally towards them, I am not inclined to pass this bill without first knowing whether they have not already been compensated in some degree by the Government. I do not allude now to the fact of their promotion, but to a bill for their compensation.

Mr. HALE. I would call the attention of the chairman of the Committee on Naval Affairs to the facts in this case, as I have gathered them from the public newspapers. This claim has been before Congress so long as I have been in the habit of reading newspapers. I recollect the fact alluded to by the Senator from Alabama. This claim was originated before Congress some twenty years ago, and failed to pass. Soon after the failure of this specific bill, there was introduced into Congress, and it became a law, a bill for the distribution of the naval pension fund, which made most extraordinary and extraordinary appropriations to the widows of naval officers. Under the operation of this bill the naval fund was pretty dissipated and entirely wasted. I think it will be found that under that act Mrs. Decatur received more than four times the amount to which she would be entitled under the present bill. That general law having entirely dissipated the naval pension fund, we are now obliged to make appropriations from the treasury to meet such cases as are now renewed and asked for in the passage of this bill. I trust, if the bill be permitted to lie over a few days, the honorable chairman of the Committee on Naval Affairs will be able to state to the Senate how much the widow of Commodore Decatur has actually received under the act for the distribution of the naval pension fund.

Mr. BADGER. I agree with the Senator from Alabama (Mr. KING) that if Government has heretofore paid all or any portion of these claimants, they ought not to be paid again. I think the Senator will find that no payment has at any time been made with reference to the claim upon which we are now called upon to act. It seems proper though, and I hope the honorable chairman of the Committee on Naval Affairs will yield to the suggestion, that the bill should not pass without full opportunity for investigation. I take this opportunity, however, to say that I know of no event in the history of the American arms so worthy of the attention of our countrymen as the exploit of the noble and heroic little band who engaged in the destruction of this vessel. And if they had not heretofore received the just pecuniary compensation to which they were entitled, I consider it only proper that Congress ought not to suffer this debt to remain longer unpaid; the payment of it, in fact, has been already too long delayed for the credit of the Government.

A word in reference to the suggestion of the Senator from New Hampshire. He is mistaken in supposing that the allowance to Mrs. Decatur, under the act passed by Congress—by which the distribution of the naval pension fund was made—has any thing to do with the case now under consideration by the Senate. That act, to the allowance under that act has nothing to do with this claim.

Mr. YULEE. Undoubtedly the Senator from Alabama is mistaken in his impression that there has been already a part payment of this claim. I am willing, in accordance with the general rule, that the bill should lie over till he can satisfy himself on this point. I feel quite sure that he will find himself mistaken as to the impression resting upon his mind; however, that impression existing, the bill ought to lie over until Senators shall be satisfied with respect to it—to be taken up again at the earliest period practicable.

While I am up I would say that I apprehend the Senator is mistaken in reference to the practice of Congress in cases of this description; and, in order that this case may not pass off leaving an incorrect impression upon the minds of Senators, I will call the attention of the Senate to precedents which will remove any doubt in relation to it. The committee who have had this case under examination have decided in the former reports they have made, that it was in accordance with long-continued and well-established precedents in the legislation of the country to allow claims of this character. These precedents will be found in the volume of Naval Laws, and if the Senator will refer to them he will find that they completely establish the practice of the Government in reference to cases of this description. He is mistaken in supposing that a meritorious reward has not always been allowed in cases of the destruction of captured vessels, whether destroyed or brought into port. On the contrary, such allowance of reward has always been made. In this particular instance, the destruction was carried on by the express command of Commodore Preble, who apprehended, owing to the extreme hazard of the enterprise, and the necessary exposure to which it would subject the lives of the crew, that the attempt to bring the Philadelphia into harbor would prove a failure. Nevertheless, it has been found, upon examination of the papers of his associate officers, that not for this order she might have been preserved. There are two laws, passed in quick succession, in the year 1813, which establish the precedents to which I have alluded. The first is an act awarding the officers and crew of the frigate Constitution and the officers and crew of the Wasp, and others. It authorizes the President of the United States to have distributed as prize money to Capt. Isaac Hull, of the frigate Constitution, his officers and crew, the sum of $50,000 for the capture and destruction of the British frigate Guerriere; and the like sum in like manner to Capt. William Bainbridge, his officers and crew, for the capture and destruction of the British frigate Java; and the sum of $25,000 in like manner to Capt. Jacob Jones, of the sloop of war Wasp, his officers and crew, for the capture of the British sloop of war Frolic; and the sum of $125,000 was appropriated thereby for these purposes. This act was approved March 3, 1813. Senators will find it on pages 175-6 of the volume of Naval Laws. The second act to which I have referred will be found on page 176 of the same work. It is entitled an act to award the officers and crew of the sloop of war Hornet, and Lieut. Biddle and his officers and companions; and it authorizes the President of the United States to have distributed as prize money, to Capt. James Lawrence, late of the sloop of war Hornet, his officers and crew, or their widows and children, the sum of $25,000, for the capture and destruction of the British brig Peacock; and to Lieut. Elliott and his officers and companions, or their widows and children, the sum of $12,000, for the capture and destruction of the British brig Detroit; and the sum of $37,000 was thereby appropriated for those purposes.

There are five or six precedents, under two single acts, in succession, and, upon reference, there might be found a dozen others.

A word in regard to another point which may be calculated to awaken prejudices against this bill. The Senator refers not only to what Decatur's widow has received under a certain provision of law, but also to the rapid promotion of Decatur himself. It may be true that Decatur was rapidly promoted, but certainly not beyond his merits. It may be true also that his widow received a considerable amount of money, but it was for the pension due her under the general law. This bill comes now before the Senate upon the petition of the steward of the vessel, who volunteered and acted as a sailor on this occasion, and the petition of a poor worn-out old sailor at the navy yard. It is not on the petition of the officers commanding when the prize was destroyed, but on the application of the seamen, whose claim comes to us in the character of a debt, the payment of which has been delayed for so many years on account of the struggle amongst the officers for a larger share of the prize money than they were entitled to under the prize act. The committee have adopted the prize act as the rule of distribution, which accords to the men a larger proportion of the prize money than the officers would have been inclined to give them. The application comes from the men; and, if the Senate chooses to exclude the officers from any participation in the distribution proposed, it should at least do justice to the men.

Mr. KING. I do not intend to consume the time of the Senate; I merely wish for the information which the honorable Senator has proposed to afford. I know, sir, that during the late war with Great Britain there were many cases, some of which he has cited, in which we departed from what we considered the correct course, and allowed salvage to the captors of vessels which could not be brought into port on account of their crippled state, or for fear of their falling into the hands of the enemy. But the principle upon which the Government acted was to allow for prize money one-half the amount of the value of the prize vessel only when brought into port.

Mr. YULEE. I would ask when that precedent was established? During the war of 1813 I know of no such precedent.

Mr. KING. I am referring to vessels captured in the war with Great Britain. It was apprehended that some of them would fall again into the hands of the enemy, and, in consequence, a suitable reward was made for their destruction; but the reasons for those cases appear on the statute book, and do not constitute a precedent. I was aware, as I before stated, that a bill had been passed allowing compensation to one of these claimants. That bill, I find, is a joint resolution, and passed on the third of March, 1837, and it gives to the widow of Stephen Decatur, to be paid out of the navy fund, a pension for five years; and another act was passed on the thirtieth of June, 1837, allowing to her the pay of a postcaptain. [Mr. K. here read the acts referred to.]

This pension bill, as I understand it, was passed at that time in consequence of her peculiar situation, and because of the claim on account of the gallant and meritorious services of her husband. But was it equal to allow pensions to the widows of officers not destroyed in the service? The Senator will say no.

Mr. YULEE. I will answer the Senator on that particular point. The legislation of the country has been devious and fluctuating in this particular. Sometimes the law has allowed pensions to the widows of officers who have died in service in consequence of wounds, and sometimes to the widows of those dying a natural death; but now the benefit of pensions is extended to the widows of all officers who die in consequence of the extraordinary vicissitudes of the service. Whatever may have been the reason which have induced Congress to pass laws which may have thus conflicted, it is certain that a law allowing to the widows of deceased officers a pension cannot be pleaded as an offset against the payment of a debt due to officers and men as the captors of a prize vessel. Any debt due, because what has been an established and regular practice in such cases should be regarded as a certainty, upon which all engaged in the public service may rely. I do not think it proper, or politic, or even legal, to disregard the established practice of Government in any particular case. Every rule of practice of this description has some good end in view; and those who direct their energies toward the accomplishment of the end ought to receive the benefit of the rule. Under this invariable practice of the Government, I cannot but regard this prize money as a debt due by the Government to these men. The rule should be observed with respect to these men, as it has been towards all other captors of prize vessels. I do not know that there is a single precedent to the contrary. If the Senator knows of one, I wish he would cite it. I have no objections to the postponement.

Mr. UNDERWOOD. I would be glad if this matter could lie over for a few days. The claim is a very stale one, originating many years back. For me, I should like to know a little more about it. I am inclined to vote for the bill as at present advised; but, for the purpose of getting some more perfect and satisfactory information upon the subject, I hope that, for the present, it will be allowed to lie over.

Mr. YULEE. I have no objection to its being passed over informally.

Mr. UNDERWOOD. I move that it be postponed until to-morrow.

The question was taken upon the postponement, and agreed to.

PRIVATE CLAIM.

The Senate proceeded to the consideration of the bill for the relief of Henry Vincent, administrator of the estate of James Lecate; which was read a second time, and considered as in Committee of the Whole.

The report accompanying said bill having been read—

Mr. WESTCOTT. I feel constrained to vote against all bills of this character, based merely upon these old balances found cancelled on the Treasury books. I will state some facts as to this class of claims, which should induce great caution by Congress in allowing them. At the last session a claim was presented by the representatives of a gentleman named Cox, of New Orleans, founded upon a balance, I believe, of thirteen or fourteen hundred dollars, stated in a certificate of the Fourth Auditor of the Treasury to stand on the books of his office open and in favor of Cox for stores sold to the navy agent. Being referred to the Committee of Claims in the other House, it reported in favor of the claim, and I believe the bill passed the House and was sent here. If not, a petition was presented here and referred to the Committee of Claims. The committee were about reporting in favor of the claim, when it was suggested that Mr. Cox was a wealthy merchant and a strict business man of high respectability, not likely to let such a claim remain unsettled; and it was recollected that he had once been sued as security of the navy agent, and the case decided by the Supreme Court; and the Solicitor of the Treasury, Mr. Gillet, being applied to, that vigilant officer hunted up the record of the suit, and found that Cox had claimed to set off this identical balance claimed as against the United States in that suit, and that it had been allowed to him. The mode of settlement was the cause of the omission by the clerks to enter the credit on the books. Mr. Cox had died, and most probably some one of those persons who make a business of hunting up these old balances, and kindly advising the representatives of deceased parties of the existence of them, informed his administrators of its standing open, and then comes the petition to Congress. There have been several cases of like character before the Committee of Claims at former sessions. The fact that balances are found open in an old book is no evidence of their not being paid. The Treasury has been twice or three times burnt, and books and papers destroyed. The only safe general rule is to enforce the limitation act of six years strictly. Delay for a longer time should, at least till rebutted, afford nothing presumptive against the justice of the claim. I shall therefore vote against this claim, and all like it.

The bill was further discussed by Messrs. RUSK and NILES.

The bill was then reported to the Senate without amendment; and the question being put upon ordering the bill to a third reading, it was decided in the negative.

The Senate next proceeded, as in Committee of the Whole, to the consideration of the bill for the relief of Chas. Waldron.

Mr. YULEE moved to amend the bill by the addition of a clause authorizing the adjustment of all claims of the same character, upon satisfactory evidence of their validity being presented.

Mr. DICKINSON. Mr. President, I apprehend that the amendment offered by the honorable Senator from Florida (Mr. YULEE) draws too wide a margin, and leaves room for a great deal of imposition. I would prefer that this bill should lie over or pass on its own merits; and it seems to me that we should adopt, as a general principle, that which is embodied in the amendment.

Mr. YULEE. The report seems to me to be a very full and distinct one. I supposed, as it was being read, that no member of the Senate present could fail to be convinced of the correctness with which the committee has acted.

The intention of the amendment is simply this, that where a quartermaster of the United States has purchased from a citizen supplies for the public use, and has failed to account for the disposition made of the supplies thus purchased, that the citizen of whom the purchase was made shall not be called to account for that disposition. Nothing can be plainer than that. An officer of the United States purchases my corn, and gives me a certificate that I have sold and delivered it to him, for the use of the army. I apply at the Department for payment, and I am told that the officer has not accounted to the Government, and because he has not thus accounted, the Government refuses to pay for my corn, although I am prove that I have actually delivered it to the proper officer. Nothing can be more plain or more simple than that the citizen who sells should be secured against the possibility of the proper officers not accounting to the United States. The Government may secure itself against the action of its own officers. It seems to me to be such a plain and self-evident principle that no delay ought to ensue before it is adopted.

Mr. DICKINSON. Mr. President, the objection I have to this amendment is a direct and practical one. Here is a special bill, reported for a special case, and the Senator from Florida (Mr. YULEE) proposes, by his amendment, to engraft a general principle upon this special bill. Now, sir, that, in my judgment, is very dangerous and unsafe legislation. If this principle should be adopted, and extended to all cases, let us make it in the manner in which a general law is usually made, and not bring a bill before Congress for a special purpose, and legislating for a special case, and then engraft upon it a general principle, which is to have authority in all time hereafter.

Mr. WESTCOTT. The Senator from New York (Mr. DICKINSON) is not aware of all the facts in this case. This is a bill from the House. When the bill was before the House, the Claims Committee there examined it thoroughly, and made an able report, which is among the papers. The House committee's report, I am properly state, (as I believe I drew the report of the Senate committee,) exhausts the case much more fully and ably than that which has just been read. It shows, in a striking manner, the impropriety of disallowing claims for subsistence stores sold to a quartermaster in the United States service, unless the citizen who sells them to him can prove that he purchased no more than the troops were entitled to; that the officer had dealt them out in legal quantities according to the regulations, and had rendered his accounts fully and fairly. I concede, in all cases of well founded suspicion of *collusion* between the vender of the stores and the officer purchasing them, the accounting officers should properly suspend their allowance, and send the parties to Congress. But the notion that a citizen, who sells flour, or corn, or pork, or beef, to a quartermaster in service, for a fair price, and honestly, and without any collusion, must first ascertain whether the officer has already purchased the *quantum* allowed by law, and must then see that he deals it out to the troops legally, and then render his vouchers and accounts properly, and if any of the articles have been destroyed by the enemy, lost at sea, or burnt on land, or sea-damaged and condemned, he must *furnish the proof of it*; and, in fact, to make the citizen render a *security* to the amount of his sale, for the officer's good conduct, is perfectly preposterous. It is not only absurd, but it is abhorrent to justice, and it is a most miserable policy. Why, sir, no citizen who has any prudence, under such rule, will sell to a quartermaster any corn, or beef, or pork, under two or three prices. It would lead to collusive speculations. Honest sales, at just prices, and from patriotic motives, would be discouraged, however great the straits of the service. This rule was denounced by the House committee, and also by the Senate committee, and I have no doubt the Senate will agree with them. I have heard of no Senator who sustains the rule. I admit, as I said before, that in cases of suspected collusion the seller should be held to strict proof; and it is safe, where louches exist, founded on evidence, to send the parties to Congress; but the United States are responsible, and not the individual citizen, for the misfeasance or nonfeasance of its own officer, who purchases articles of such citizen under color of his official station. I have no feeling as to this bill. Though the bill states the articles were sold in Florida, the claimant resides in Maine, I believe. [Mr. BRADBURY, Ohio.] But I have no patience with the rule enforced in it by the accounting officers, and I think the bill ought to pass to nullify it.

Mr. DICKINSON. My attention has not been called particularly to this bill, and therefore I have not spoken in opposition to it, but against extending it to a principle, as proposed by the amendment of the Senator from Florida at my right, (Mr. YULEE.)

Mr. BRADBURY. Mr. President, I was a member of the Committee of Claims which reported this bill, and concurred with the committee in the result at which they arrived, but the bill ought to be passed; but I did not concur in some of the reasons for the result arrived at by the committee, as the honorable Senator from Florida (Mr. WESTCOTT) will recollect. I did not concur in the condemnation of the accounting officers in regard to the principle which they have adopted. On the contrary, it has appeared to me that the accounting officers have adopted precisely the correct principle. I understand it to be this: that where a quartermaster who is authorized to contract for supplies for the army does not procure for provisions purchased, showing that they went for the use of the army, or has purchased an over supply, they refuse to allow the account. I apprehend they are correct in so doing. They have their regulations. These regulations are well understood by officers of the army. They are regulations calculated to protect the treasury, and they are regulations under which the army can be, ordinarily, supplied.

Now, when there are applications that do not come within these rules; for instance, where the quartermaster has purchased a larger quantity than he should, or has purchased provisions for the army and squandered them, I think it is proper that the vender should be turned over to Congress, and that the matter should be investigated, not at the Department, but investigated elsewhere, that there may be public exposure of the officer that thus violates his duty. I think, then, that it is a safe and wise rule which they have adopted.

So much in regard to the rule. Hence the accounting officers were correct in saying, "We cannot allow the payment in this case. His claim may be just. It is true that the quartermaster has certified that he received the provisions, but he has not brought himself within the rules by which we are authorized to allow it. Let the matter be investigated by Congress."

Then the question is presented for our consideration, what will we do? Here is the proper officer of the United States army who states that he has purchased of the petitioner provisions for the army, and he has never received payment for them at the Department, and that, under the rules which they have established, they cannot allow the payment. There is no question in regard to the purchase. There is no question in regard to the fact that the claimant has sold provisions to an officer who was authorized to make a purchase. Hence, I think, that in this case we should allow the claim of the petitioner, which is trifling in amount. The principle is correct, and Congress should allow the claim.

I am opposed to the amendment offered by the