LEGISLATIVE
INTENT SERVICE, INC.

712 Main Street, Suite 200, Woodland, CA 95695
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DECLARATION OF JENNY S. LILLGE

I, Jenny S. Lillge, declare:

I am an attorney licensed to practice in California, State Bar No. 265046, and am employed by Legislative Intent Service, Inc., a company specializing in researching the history and intent of legislation.

Under my direction and the direction of other attorneys on staff, the research staff of Legislative Intent Service, Inc. undertook to locate and obtain all documents relevant to uncodified section 11 (of which current sections 172 and 173 of Title 35 of the United States Code is derived), by Senate Bill No. 10 of 1861 [hereinafter referred to as S. 10]. S. 10 was enacted by Congress as Chapter 88, on March 2, 1861, at 12 United States Statutes 246.

The following list identifies all documents obtained by the staff of Legislative Intent Service, Inc. on S. 10 of 1861 as it relates to Title 35, United States Code section 11. All listed documents have been forwarded with this Declaration except as otherwise noted in this Declaration. All documents gathered by Legislative Intent Service, Inc. and all copies forwarded with this Declaration are true and correct copies of the originals located by Legislative Intent Service, Inc.

S. 10 (MALLORY-1861), CHAPTER 88:

1. All available versions of S. 10 (Mallory-1861);
2. Excerpt regarding keywords related to S. 10 from Part II, 35th – 45th Congresses, 1857-1879, *CIS US Serial Set Index* as follows:
   a. Finding Lists,
   b. Subject Lists;
3. Excerpt regarding S. 10 from the *Congressional Globe Index* as follows:
   a. 36th Congress, First Session,
   b. 36th Congress, Second Session;
4. Excerpt regarding S. 10 from the *Congressional Globe*, 36th Congress as follows:
   a. Senate Debate, First Session, December 12, 1859,
   b. Senate Debate, First Session, December 22, 1859,

c. Senate Debate, First Session, January 24, 1860,
d. Senate Debate, First Session, March 16, 1860,
e Senate Debate, First Session, March 19, 1860,
f. Senate Debate, First Session, March 28, 1860,
g. Senate Debate, First Session, April 11, 1860,
h. Senate Debate, First Session, April 16, 1860,
i. Senate Debate, First Session, May 26, 1860,
j. Senate Debate, Second Session, February 8, 1861,
k. Senate Debate, Second Session, February 13, 1861,
l. Senate Debate, Second Session, February 16, 1861,
m. Senate Debate, Second Session, February 19, 1861,
n. Senate Debate, Second Session, February 27, 1861,
o. Senate Debate, Second Session, March 2, 1861;

5. Excerpt regarding S. 10 from the 1861 *Journal of the Senate* 36th Congress, as follows:
   a. First Session, 1859,
   b. Second Session, 1860;
6. Excerpt regarding S. 10 from the 1861 *Journal of the House of Representatives*, 36th Congress, as follows:
   a. First Session, 1859,
   b. Second Session, 1860;
7. Excerpt regarding Senator Robert Mallory from the Biographical Directory of the United States Congress, available online at: http://bioguide.congress.gov.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 7th day of June, 2017 at Woodland, California.

JENNY S. LILLGE

36TH CONGRESS,
1ST SESSION.

S. 10.

IN THE SENATE OF THE UNITED STATES.

DECEMBER 22, 1859.

Agreeably to notice, Mr. MALLORY asked and obtained leave to bring in the following bill; which was read twice and referred to the Committee on Patents and the Patent Office.

JANUARY 24, 1860.

Reported by Mr. BIGLER with amendments, viz: Strike out the words within [brackets] and insert those printed in *italics*.

A BILL

In addition to "An act to promote the progress of the useful arts."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Patents may establish rules for taking affidavits and depositions required in cases pending in the Patent Office, and such affidavits and depositions may be taken before any justice of the peace, or other officer authorized by law to take depositions to be used in the courts of the United States, or in the State courts of any State where such officer shall reside; and in any contested case pending in the Patent Office it shall be lawful for the clerk of any court of the United States for any dis-

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trict or Territory, and he is hereby required, upon the application of any party to such contested case, or the agent or attorney of such party, to issue subpoenas for any witnesses residing or being within the said district or Territory, commanding such witnesses to appear and testify before any justice of the peace, or other officer as aforesaid, residing within the said district or Territory, at any time and place in the subpoena to be stated; and if any witness, after being duly served with such subpoena, shall refuse or neglect to appear, or, after appearing, shall refuse to testify, (not being privileged from giving testimony,) such refusal or neglect being proved to the satisfaction of any judge of the court whose clerk shall have issued such subpoena, said judge may thereupon proceed to enforce obedience to the process, or to punish the disobedience in like manner as any court of the United States may do in case of disobedience to process of subpoena and testificandum issued by such court; and witnesses in such cases shall be allowed the same compensation as is allowed to witnesses attending the courts of the United States: *Provided,* That no witnesses shall be required to attend at any place more than forty miles from the place where the subpoena shall be served upon him to give a deposition under this law: *Provided, also,* That no witness shall be deemed guilty of contempt for refusing to disclose any secret in-

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vention made or owned by him: *And provided, further*, That no witness shall be deemed guilty of contempt for disobeying any subpoena directed to him by virtue of this act, unless his fees for going to, returning from, and one day's attendance at the place of examination shall be paid or tendered to him at the time of the service of the subpoena.

SEC. 2. *And be it further enacted*, That, for the purpose of securing greater uniformity of action in the grant and refusal of letters patent, there shall be appointed, in the same manner as now provided by law for the appointment of examiners, a board of three examiners-in-chief, at an annual salary of three thousand dollars each, to be composed of persons of competent legal knowledge and scientific ability, whose duty it shall be, on the written petition of the applicant for that purpose being filed, to revise and determine upon the validity of decisions made by examiners when adverse to the grant of letters patent; and also to revise and determine in like manner upon the validity of the decisions of examiners in interference cases, and to perform such other duties as may be assigned to them by the Commissioner; that from the decisions of this board appeals may be taken to the Commissioner of Patents in person upon payment of the fee hereinafter prescribed; that the said examiners-in-chief shall be governed in their action by

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the rules to be prescribed by the Commissioner of Patents. No appeal shall hereafter be allowed from the decision of the Commissioner of Patents, except in cases pending prior to the passage of this act.

SEC. 3. *And be it further enacted*, That no appeal shall be allowed to the examiners-in-chief from the decisions of the primary examiners, except in interference cases, until after the application shall have been twice rejected; and the second examination of the application by the primary examiner shall not be had until the applicant, in view of the references given on the first rejection, shall have renewed the oath of invention, as provided for in the seventh section of the act entitled "An act to promote the progress of the useful arts, and to repeal all acts and parts of acts heretofore made for that purpose," approved July fourth, eighteen hundred and thirty-six.

SEC. 4. *And be it further enacted*, That the salary of the Commissioner of Patents shall [from and after the commencement of the present fiscal year] be [five thousand dollars] *four thousand five hundred dollars* per annum, and the salary of the chief clerk of the Patent Office shall be [the same as that of principal examiner,] *two thousand five hundred dollars per annum.*

SEC. 5. *And be it further enacted*, That the Commissioner of Patents is authorized to restore to the respective

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applicants, or when not removed by them, to otherwise dispose of such of the models belonging to rejected applications as he shall not think necessary to be preserved. The same authority is also given in relation to all models accompanying applications for designs. He is further authorized to dispense in future with models of designs when the design can be sufficiently represented by a drawing.

SEC. 6. *And be it further enacted*, That the tenth section of the act approved the third of March, eighteen hundred and thirty-seven, authorizing the appointment of agents for the transportation of models and specimens to the Patent Office, is hereby repealed.

The Commissioner of Patents is hereby authorized to employ a clerk of the third class to frank such letters and documents as he is by law permitted to frank, and to perform such other duties as the Commissioner may assign him.

The Commissioner is further authorized, from time to time, to appoint, in the manner already provided for by law, such an additional number of principal examiners, first assistant examiners, and second assistant examiners as may be required to transact the current business of the office with dispatch, provided the [annual expenses of the Patent Office shall not exceed the annual receipts] *whole number of additional examiners shall not exceed four of each class.*

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SEC. 7. *And be it further enacted*, That the Commissioner may require all papers filed in the Patent Office to be correctly, legibly, and clearly written; and for gross misconduct he may refuse to recognize any person as a patent agent, either generally or in any particular case; but the reasons of the Commissioner for such refusal shall be duly recorded, and subject to the approval of the President of the United States.

SEC. 8. *And be it further enacted*, That no money paid as a fee on any application for a patent after the passage of this act shall be withdrawn or refunded, nor shall the fee paid on filing a caveat be considered as part of the sum required to be paid on filing a subsequent application for a patent for the same invention.

That the three months' notice given to any caveator, in pursuance of the requirements of the twelfth section of the act of July fourth, eighteen hundred and thirty-six, shall be computed from the day on which such notice is deposited in the post office at Washington, with the regular time for the transmission of the same added thereto, *which time shall be indorsed on the notice;* and that so much of the thirteenth section of the act of Congress, approved July fourth, eighteen hundred and thirty-six, as authorizes the annexing to letters patent of the description and specification of additional improvements is hereby repealed.

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SEC. 9. *And be it further enacted,* That all laws now in force fixing the rates of the Patent Office fees to be paid are hereby repealed, and in their stead the following rates are established:

On filing each caveat, ten dollars;

On filing each original application for a patent except for a design, twenty [five] dollars;

On issuing each original patent, [five] *ten* dollars;

On every appeal from the examiners-in-chief to the Commissioner, twenty dollars;

On every application for a patent for a design, fifteen dollars;

On every application for the reissue of a patent, thirty dollars;

On every application for the extension of a patent, [one hundred] *fifty dollars; and fifty dollars, in addition, on the granting of every extension;*

On filing each disclaimer, ten dollars;

For certified copies of patents, and so forth, twelve cents per hundred words;

For recording every assignment, agreement, power of attorney, and so forth, of three hundred words or under, one dollar;

For recording every assignment, and so forth, over three hundred and under one thousand words, two dollars;

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For recording every assignment or other writing, if over one thousand words, three dollars;

For copies of drawings, the reasonable cost of making the same.

SEC. 10. *And be it further enacted*, That in all cases where an application shall be made for a patent which would interfere with any other patent for which an application may be pending, or with any unexpired patent which shall have been granted, the person who, previous to the application of either party for a patent, first filed a caveat describing the invention, in accordance with the provisions of the twelfth section of the act of Congress entitled "An act to promote the progress of the useful arts, and to repeal all acts and parts of acts heretofore made for that purpose," approved July four, eighteen hundred and thirty-six; and in case no caveat has been so filed, the person who first completed and presented to the Commissioner his application for a patent for such invention shall, as between said interfering applicants, be deemed and held to be the first and original inventor thereof, unless it be shown by the testimony submitted that said person was not *an original and bona fide inventor* of said invention, or that he obtained the knowledge of said invention directly or indirectly from some other person: *Provided*, nothing herein contained shall effect any interference case now pending.

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SEC. 11. *And be it further enacted,* That any citizen of the United States, or alien who has resided therein one year prior to the application herein mentioned, who shall make, or cause to be made, at his or their own cost and expense, by modeling, carving, engraving, forging, or chasing, in any material, a new and original pattern or die, or set of new and original patterns or dies, from which articles may be multiplied by moulding, casting, electrotyping, or other analogous means for copying the original, or forming a reverse thereof, shall, on depositing with the Commissioner of Patents a specimen, accompanied by an application and oath or affirmation of the applicant that he is the legal proprietor of the pattern or die, or sets thereof thus produced, together with a certificate of deposit in the treasury of the United States of a fee of ten dollars, it shall be the duty of the Commissioner of Patents to have the same duly registered and numbered, and the specimens preserved in the Patent Office until the term of the registry expires, and to deliver to said applicant a certificate of such registry conferring upon him and his legal representatives the exclusive right to multiply and sell copies of said pattern or die, or sets thereof, for the term of fourteen years, under the same restrictions and penalties for infringement as are now provided for in cases of infringement of letters patent for inventions in the useful arts: *Provided,* That upon

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each of the articles or copies thus protected there shall be marked the letter R, inclosed in a geometrical figure, as indicated upon the certificate of registry.

SEC. 12. *And be it further enacted,* That all applications for patents shall be completed and prepared for examination within two years after the filing of the petition, and in default thereof, they shall be regarded as abandoned by the parties thereto; and all applications for the extension of patents shall be filed at least ninety days before the expiration thereof; and notice of the day set for the hearing of the case shall be published, as now required by law, for at least sixty days.

SEC. 13. *And be it further enacted,* That in all cases where an article is made or vended by any person under the protection of letters patent, it shall be the duty of such person to give sufficient notice to the public that said article is so patented, either by stamping thereon the word patented, together with the day and year the patent was granted; or when, from the character of the article patented, that may be impracticable, in the judgment of the Commissioner of Patents, by enveloping one or more of the said articles, and affixing a label to the package, or otherwise attaching thereto a label on which the notice, with the date, is printed; on failure of which, in any suit for the infringement of letters patent by the party failing so to label or

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stamp the article the right to which is infringed upon, no damage shall be recovered by the plaintiff, except on proof that the defendant was duly notified of the infringement, and continued after such notice to make or vend the article patented. And the sixth section of the act entitled "An act in addition to an act to promote the progress of the useful arts," and so forth, approved the twenty-ninth day of August, eighteen hundred and forty-two, be, and the same is hereby, repealed.

SEC. 14. *And be it further enacted*, That every caveat filed in the patent office shall, from and after the expiration of the time in which the caveator is protected thereby, become a part of the public records of said office.

SEC. 15. *And be it further enacted*, That all acts and parts of acts heretofore passed which are inconsistent with the provisions of this act be, and the same are hereby, repealed.

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36TH CONGRESS,
1ST SESSION.

S. 10.

IN THE SENATE OF THE UNITED STATES.

DECEMBER 22, 1859.

Agreeably to notice, Mr. MALLORY asked and obtained leave to bring in the following bill; which was read twice and referred to the Committee on Patents and the Patent Office.

JANUARY 24, 1860.

Reported by Mr. BIGLER with amendments, viz: Strike out the words within [brackets,] and insert those printed in *italics*.

MARCH 16, 1860.

Recommitted to the Committee on Patents and the Patent Office.

MARCH 19, 1860.

Reported by Mr. BIGLER with an amendment, viz: Strike out all after the enacting clause, and insert what follows printed in *italics*.

A BILL

In addition to "An act to promote the progress of the useful arts."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled [That the Commissioner of Patents may establish rules for taking affidavits and depositions required in cases pending in the Patent Office, and such affidavits and depositions may be taken before any justice of the peace, or other officer authorized by law to take depositions to be used in the courts of the United States, or in the State courts of any State where such officer shall reside; and in any con-

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tested case pending in the Patent Office it shall be lawful for the clerk of any court of the United States for any district or Territory, and he is hereby required, upon the application of any party to such contested case, or the agent or attorney of such party, to issue subpenas for any witnesses residing or being within the said district or Territory, commanding such witnesses to appear and testify before any justice of the peace, or other officer as aforesaid, residing within the said district or Territory, at any time and place in the subpena to be stated; and if any witness, after being duly served with such subpena, shall refuse or neglect to appear, or, after appearing, shall refuse to testify, (not being privileged from giving testimony,) such refusal or neglect being proved to the satisfaction of any judge of the court whose clerk shall have issued such subpena, said judge may thereupon proceed to enforce obedience to the process, or to punish the disobedience in like manner as any court of the United States may do in case of disobedience to process of subpena and testificandum issued by such court; and witnesses in such cases shall be allowed the same compensation as is allowed to witnesses attending the courts of the United States: *Provided*, That no witnesses shall be required to attend at any place more than forty miles from the place where the subpena shall be served upon him to give a deposition under

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this law: *Provided, also,* That no witness shall be deemed guilty of contempt for refusing to disclose any secret invention made or owned by him: *And provided, further,* That no witness shall be deemed guilty of contempt for disobeying any subpena directed to him by virtue of this act, unless his fees for going to, returning from, and one day's attendance at the place of examination shall be paid or tendered to him at the time of the service of the subpena.

SEC. 2. *And be it further enacted,* That, for the purpose of securing greater uniformity of action in the grant and refusal of letters patent, there shall be appointed, in the same manner as now provided by law for the appointment of examiners, a board of three examiners-in-chief, at an annual salary of three thousand dollars each, to be composed of persons of competent legal knowledge and scientific ability, whose duty it shall be, on the written petition of the applicant for that purpose being filed, to revise and determine upon the validity of decisions made by examiners when adverse to the grant of letters patent; and also to revise and determine in like manner upon the validity of the decisions of examiners in interference cases, and to perform such other duties as may be assigned to them by the Commissioner; that from the decisions of this board appeals may be taken to the Commissioner of Patents in person

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upon payment of the fee hereinafter prescribed; that the said examiners-in-chief shall be governed in their action by the rules to be prescribed by the Commissioner of Patents. No appeal shall hereafter be allowed from the decision of the Commissioner of Patents, except in cases pending prior to the passage of this act.

SEC. 3. *And be it further enacted*, That no appeal shall be allowed to the examiners-in-chief from the decisions of the primary examiners, except in interference cases, until after the application shall have been twice rejected; and the second examination of the application by the primary examiner shall not be had until the applicant, in view of the references given on the first rejection, shall have renewed the oath of invention, as provided for in the seventh section of the act entitled "An act to promote the progress of the useful arts, and to repeal all acts and parts of acts heretofore made for that purpose," approved July fourth, eighteen hundred and thirty-six.

SEC. 4. *And be it further enacted*, That the salary of the Commissioner of Patents shall [from and after the commencement of the present fiscal year] be [five thousand dollars] *four thousand five hundred dollars* per annum, and the salary of the chief clerk of the Patent Office shall be [the same as that of principal examiner] *two thousand five hundred dollars per annum.*

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SEC. 5. *And be it further enacted*, That the Commissioner of Patents is authorized to restore to the respective applicants, or when not removed by them, to otherwise dispose of such of the models belonging to rejected applications as he shall not think necessary to be preserved. The same authority is also given in relation to all models accompanying applications for designs. He is further authorized to dispense in future with models of designs when the design can be sufficiently represented by a drawing.

SEC. 6. *And be it further enacted*, That the tenth section of the act approved the third of March, eighteen hundred and thirty-seven, authorizing the appointment of agents for the transportation of models and specimens to the Patent Office, is hereby repealed.

The Commissioner of Patents is hereby authorized to employ a clerk of the third class to frank such letters and documents as he is by law permitted to frank, and to perform such other duties as the Commissioner may assign him.

The Commissioner is further authorized, from time to time, to appoint, in the manner already provided for by law, such an additional number of principal examiners, first assistant examiners, and second assistant examiners as may be required to transact the current business of the office with dispatch, provided the [annual expenses of the Patent

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Office shall not exceed the annual receipts] *whole number of additional examiners shall not exceed four of each class.*

SEC. 7. *And be it further enacted,* That the Commissioner may require all papers filed in the Patent Office to be correctly, legibly, and clearly written; and for gross misconduct he may refuse to recognize any person as a patent agent, either generally or in any particular case; but the reasons of the Commissioner for such refusal shall be duly recorded, and subject to the approval of the President of the United States.

SEC. 8. *And be it further enacted,* That no money paid as a fee on any application for a patent after the passage of this act shall be withdrawn or refunded, nor shall the fee paid on filing a caveat be considered as part of the sum required to be paid on filing a subsequent application for a patent for the same invention.

That the three months' notice given to any caveator, in pursuance of the requirements of the twelfth section of the act of July fourth, eighteen hundred and thirty-six, shall be computed from the day on which such notice is deposited in the post office at Washington, with the regular time for the transmission of the same added thereto, *which time shall be indorsed on the notice;* and that so much of the thirteenth section of the act of Congress, approved July fourth, eighteen hundred and thirty-six, as authorizes the

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annexing to letters patent of the description and specification of additional improvements is hereby repealed.

SEC. 9. *And be it further enacted,* That all laws in force fixing the rates of the Patent Office fees to be paid are hereby repealed, and in their stead the following rates are established:

On filing each caveat, ten dollars;

On filing each original application for a patent except for a design, twenty [five] dollars;

On issuing each original patent, [five] *ten* dollars;

On every appeal from the examiners-in-chief to the Commissioner, twenty dollars;

On every application for a patent for a design, fifteen dollars;

On every application for the reissue of a patent, thirty dollars;

On every application for the extension of a patent, [one hundred] *fifty dollars; and fifty dollars, in addition, on the granting of every extension;*

On filing each disclaimer, ten dollars;

For certified copies of patents, and so forth, twelve cents per hundred words;

For recording every assignment, agreement, power of attorney, and so forth, of three hundred words or under, one dollar;

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For recording every assignment, and so forth, over three hundred and under one thousand words, two dollars;

For recording every assignment or other writing, if over one thousand words, three dollars;

For copies of drawings the reasonable cost of making the same.

SEC. 10. *And be it further enacted*, That in all cases where an application shall be made for a patent which would interfere with any other patent for which an application may be pending, or with any unexpired patent which shall have been granted, the person who, previous to the application of either party for a patent, first filed a caveat describing the invention, in accordance with the provisions of the twelfth section of the act of Congress entitled "An act to promote the progress of the useful arts, and to repeal all acts and parts of acts heretofore made for that purpose," approved July four, eighteen hundred and thirty-six; and in case no caveat has been so filed, the person who first completed and presented to the Commissioner his application for a patent for such invention shall, as between said interfering applicants, be deemed and held to be the first and original inventor thereof, unless it be shown by the testimony submitted that said person was not *an original and bona fide inventor* of said invention, or that he obtained the knowledge of said invention directly or indirectly from

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some other person: *Provided,* Nothing herein contained shall effect any interference case now pending.

SEC. 11. *And be it further enacted,* That any citizen of the United States, or alien who has resided therein one year prior to the application herein mentioned, who shall make, or cause to be made, at his or their own cost and expense, by modeling, carving, engraving, forging, or chasing, in any material, a new and original pattern or die, or set of new and original patterns or dies, from which articles may be multiplied by molding, casting, electrotyping, or other analogous means for copying the original, or forming a reverse thereof, shall, on depositing with the Commissioner of Patents a specimen, accompanied by an application and oath or affirmation of the applicant that he is the legal proprietor of the pattern or die, or sets thereof thus produced, together with a certificate of deposit in the treasury of the United States of a fee of ten dollars, it shall be the duty of the Commissioner of Patents to have the same duly registered and numbered, and the specimens preserved in the Patent Office until the term of the registry expires, and to deliver to said applicant a certificate of such registry conferring upon him and his legal representatives the exclusive right to multiply and sell copies of said pattern or die, or sets thereof, for the term of fourteen years, under the same restrictions and penalties for infringement as are

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now provided for in cases of infringement of letters patent for inventions in the useful arts: *Provided,* That upon each of the articles or copies thus protected there shall be marked the letter R, inclosed in a geometrical figure, as indicated upon the certificate of registry.

SEC. 12. *And be it further enacted,* That all applications for patents shall be completed and prepared for examination within two years after the filing of the petition, and in default thereof, they shall be regarded as abandoned by the parties thereto; and all applications for the extension of patents shall be filed at least ninety days before the expiration thereof; and notice of the day set for the hearing of the case shall be published, as now required by law, for at least sixty days.

SEC. 13. *And be it further enacted,* That in all cases where an article is made or vended by any person under the protection of letters patent, it shall be the duty of such person to give sufficient notice to the public that said article is so patented, either by stamping thereon the word patented, together with the day and year the patent was granted; or when, from the character of the article patented, that may be impracticable, in the judgment of the Commissioner of Patents, by enveloping one or more of the said articles, and affixing a label to the package, or otherwise attaching thereto a label on which the notice, with the date,

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is printed; on failure of which, in any suit for the infringement of letters patent by the party failing so to label or stamp the article the right to which is infringed upon, no damage shall be recovered by the plaintiff, except on proof that the defendant was duly notified of the infringement, and continued after such notice to make or vend the article patented. And the sixth section of the act entitled "An act in addition to an act to promote the progress of the useful arts," and so forth, approved the twenty-ninth day of August, eighteen hundred and forty-two, be, and the same is hereby, repealed.

SEC. 14. *And be it further enacted,* That every caveat filed in the patent office shall, from and after the expiration of the time in which the caveator is protected thereby, become a part of the public records of said office.

SEC. 15. *And be it further enacted,* That all acts and parts of acts heretofore passed which are inconsistent with the provisions of this act be, and the same are hereby, repealed.]

That the Commissioner of Patents may establish rules for taking affidavits and depositions required in cases pending in the Patent Office, and such affidavits and depositions may be taken before any justice of the peace, or other officer authorized by law to take depositions to be used in the courts of the United States, or in the State courts of

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any State where such officer shall reside; and in any contested case pending in the Patent Office it shall be lawful for the clerk of any court of the United States for any district or Territory, and he is hereby required, upon the application of any party to such contested case, or the agent or attorney of such party, to issue subpenas for any witnesses residing or being within the said district or Territory, commanding such witnesses to appear and testify before any justice of the peace, or other officer as aforesaid, residing within the said district or Territory, at any time and place in the subpena to be stated; and if any witness, after being duly served with such subpena, shall refuse or neglect to appear, or, after appearing, shall refuse to testify, (not being privileged from giving testimony,) such refusal or neglect being proved to the satisfaction of any judge of the court whose clerk shall have issued such subpena, said judge may thereupon proceed to enforce obedience to the process, or to punish the disobedience in like manner as any court of the United States may do in case of disobedience to process of subpena and testificandum issued by such court; and witnesses in such cases shall be allowed the same compensation as is allowed to witnesses attending the courts of the United States: Provided, That no witnesses shall be required to attend at any place more than forty miles from the place where the sub-

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pena shall be served upon him to give a deposition under this law: Provided, also, That no witness shall be deemed guilty of contempt for refusing to disclose any secret invention made or owned by him: And provided, further, That no witness shall be deemed guilty of contempt for disobeying any subpena directed to him by virtue of this act, unless his fees for going to, returning from, and one day's attendance at the place of examination shall be paid or tendered to him at the time of the service of the subpena.

SEC. 2. *And be it further enacted, That, for the purpose of securing greater uniformity of action in the grant and refusal of letters patent, there shall be appointed in the same manner as now provided by law for the appointment of examiners, a board of three examiners-in-chief, at an annual salary of three thousand dollars each, to be composed of persons of competent legal knowledge and scientific ability, whose duty it shall be, on the written petition of the applicant for that purpose being filed, to revise and determine upon the validity of decisions made by examiners when adverse to the grant of letters patent; and also to revise and determine in like manner upon the validity of the decisions of examiners in interference cases, and when required by the Commissioner in applications for the extension of patents, and to perform such other duties as may be assigned to them by the Commissioner;*

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that from the decisions of this board appeals may be taken to the Commissioner of Patents in person, upon payment of the fee hereinafter prescribed; that the said examiners-in-chief shall be governed in their action by the rules to be prescribed by the Commissioner of Patents. No appeal shall hereafter be allowed from the decision of the Commissioner of Patents, except in cases pending prior to the passage of this act.

SEC. 3. *And be it further enacted, That no appeal shall be allowed to the examiners-in-chief from the decisions of the primary examiners, except in interference cases, until after the application shall have been twice rejected; and the second examination of the application by the primary examiner shall not be had until the applicant, in view of the references given on the first rejection, shall have renewed the oath of invention, as provided for in the seventh section of the act entitled "An act to promote the progress of the useful arts, and to repeal all acts and parts of acts heretofore made for that purpose," approved July fourth, eighteen hundred and thirty-six.*

SEC. 4. *And be it further enacted, That the salary of the Commissioner of Patents, from and after the close of the present fiscal year, shall be four thousand five hundred dollars per annum, and the salary of the chief clerk of the Patent Office shall be two thousand five hundred dollars.*

SEC. 5. *And be it further enacted, That the Commis-*

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the parties filing such papers; and for gross misconduct he may refuse to recognize any person as a patent agent, either generally or in any particular case; but the reasons of the Commissioner for such refusal shall be duly recorded, and subject to the approval of the President of the United States.

SEC. 9. *And be it further enacted, That no money paid as a fee on any application for a patent after the passage of this act shall be withdrawn or refunded, nor shall the fee paid on filing a caveat be considered as part of the sum required to be paid on filing a subsequent application for a patent for the same invention.*

That the three months' notice given to any caveator, in pursuance of the requirements of the twelfth section of the act of July fourth, eighteen hundred and thirty-six, shall be computed from the day on which such notice is deposited in the post office at Washington, with the regular time for the transmission of the same added thereto, which time shall be indorsed on the notice; and that so much of the thirteenth section of the act of Congress, approved July fourth, eighteen hundred and thirty-six, as authorizes the annexing to letters patent of the description and specification of additional improvements is hereby repealed, and in all cases of additional improvements, a separate patent shall be issued.

SEC. 10. *And be it further enacted, That all laws now in force fixing the rates of the Patent Office fees to be paid*

*

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and discriminating between the inhabitants of the United States and those of other countries, are hereby repealed, and in their stead the following rates are established:

On filing each caveat, ten dollars;

On filing each original application for a patent except for a design, twenty dollars;

On issuing each original patent, ten dollars;

On every appeal from the examiners-in-chief to the Commissioner, twenty dollars;

On every application for a patent for a design, fifteen dollars;

On every application for the reissue of a patent, thirty dollars;

On every application for the extension of a patent, fifty dollars; and fifty dollars, in addition, on the granting of every extension;

On filing each disclaimer, ten dollars;

For certified copies of patents, and so forth, twelve cents per hundred words;

For recording every assignment, agreement, power of attorney, and so forth, of three hundred words or under, one dollar;

For recording every assignment, and so forth, over three hundred and under one thousand words, two dollars;

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For recording every assignment or other writing, if over one thousand words, three dollars;

For copies of drawings, the reasonable cost of making the same.

SEC. 11. *And be it further enacted, That all applications for patents shall be completed and prepared for examination within two years after the filing of the petition, and in default thereof, they shall be regarded as abandoned by the parties thereto; and all applications for the extension of patents shall be filed at least ninety days before the expiration thereof; and notice of the day set for the hearing of the case shall be published, as now required by law, for at least sixty days.*

SEC. 12. *And be it further enacted, That in all cases where an article is made or vended by any person under the protection of letters patent, it shall be the duty of such person to give sufficient notice to the public that said article is so patented, either by stamping thereon the word patented, together with the day and year the patent was granted; or when, from the character of the article patented, that may be impracticable, in the judgment of the Commissioner of Patents, by enveloping one or more of the said articles, and affixing a label to the package, or otherwise attaching thereto a label on which the notice, with the date, is printed; on failure of which, in any suit for the infringe-*

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ment of letters patent by the party failing so to label or stamp the article the right to which is infringed upon, no damage shall be recovered by the plaintiff, except on proof that the defendant was duly notified of the infringement, and continued after such notice to make or vend the article patented. And the sixth section of the act entitled "An act in addition to an act to promote the progress of the useful arts," and so forth, approved the twenty-ninth day of August, eighteen hundred and forty-two, be, and the same is hereby, repealed.

SEC. 13. *And be it further enacted, That all acts and parts of acts heretofore passed which are inconsistent with the provisions of this act be, and the same are hereby, repealed.*

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36TH CONGRESS,
1ST SESSION.

S. 10.

IN THE HOUSE OF REPRESENTATIVES.

JUNE 11, 1860.

Reported from the Committee on Patents with amendments, viz: strike out the words within [brackets] and insert those in *italics;* ordered to be printed, and its further consideration postponed until the second Wednesday of December next.

AN ACT

In addition to "An act to promote the progress of the useful arts."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Patents may establish rules for taking affidavits and depositions required in cases pending in the Patent Office, and such affidavits and depositions may be taken before any justice of the peace, or other officer authorized by law to take depositions to be used in the courts of the United States, or in the State courts of any State where such officer shall reside; and in any contested case pending in the Patent Office it shall be lawful for the clerk of any court of the United States for any district or Territory, and he is hereby required, upon the application of any party to such contested case, or the agent or attorney of such party, to issue subpœnas for any witnesses residing or being within the said

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district or Territory, commanding such witnesses to appear and testify before any justice of the peace, or other officer as aforesaid, residing within the said district or Territory, at any time and place in the subpœna to be stated; and if any witness, after being duly served with such subpœna, shall refuse or neglect to appear, or, after appearing, shall refuse to testify, (not being privileged from giving testimony,) such refusal or neglect being proved to the satisfaction of any judge of the court whose clerk shall have issued such subpœna, said judge may thereupon proceed to enforce obedience to the process, or to punish the disobedience in like manner as any court of the United States may do in case of disobedience to process of subpœna and testificandum issued by such court; and witnesses in such cases shall be allowed the same compensation as is allowed to witnesses attending the courts of the United States: *Provided,* That no witnesses shall be required to attend at any place more than forty miles from the place where the subpœna shall be served upon him to give a deposition under this law: *Provided, also,* That no witness shall be deemed guilty of contempt for refusing to disclose any secret invention made or owned by him: *And provided, further,* That no witness shall be deemed guilty of contempt for disobeying any subpœna directed to him by virtue of this act, unless his fees for going to, returning from, and one day's attendance at the

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place of examination shall be paid or tendered to him at the time of the service of the subpœna.

SEC. 2. *And be it further enacted,* That, for the purpose of securing greater uniformity of action in the grant and refusal of letters patent, there shall be appointed by the President, by and with the advice and consent of the Senate, a board of three examiners-in-chief, at an annual salary of three thousand dollars each, to be composed of persons of competent legal knowledge and scientific ability, whose duty it shall be, on the written petition of the applicant for that purpose being filed, to revise and determine upon the validity of decisions made by examiners when adverse to the grant of letters patent; and also to revise and determine in like manner upon the validity of the decisions of examiners in interference cases, and when required by the Commissioner in applications for the extension of patents, and to perform such other duties as may be assigned to them by the Commissioner; that from the decisions of this board appeals may be taken to the Commissioner of Patents in person, upon payment of the fee hereinafter prescribed; that the said examiners-in-chief shall be governed in their action by the rules to be prescribed by the Commissioner of Patents.

SEC. 3. *And be it further enacted,* That no appeal shall be allowed to the examiners-in-chief from the decisions of the primary examiners, except in interference cases, until after the

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application shall have been twice rejected; and the second examination of the application by the primary examiner shall not be had until the applicant, in view of the references given on the first rejection, shall have renewed the oath of invention, as provided for in the seventh section of the act entitled "An act to promote the progress of the useful arts, and to repeal all acts and parts of acts heretofore made for that purpose," approved July fourth, eighteen hundred and thirty-six.

SEC. 4. *And be it further enacted,* That the salary of the Commissioner of Patents, from and after the close of the present fiscal year, shall be four thousand five hundred dollars per annum, and the salary of the chief clerk of the Patent Office shall be two thousand five hundred dollars.

SEC. 5. *And be it further enacted,* That the Commissioner of Patents is authorized to restore to the respective applicants, or when not removed by them, to otherwise dispose of such of the models belonging to rejected applications as he shall not think necessary to be preserved. The same authority is also given in relation to all models accompanying applications for designs. He is further authorized to dispense in future with models of designs when the design can be sufficiently represented by a drawing.

SEC. 6. *And be it further enacted,* That the tenth section of the act approved the third of March, eighteen hundred and thirty-seven, authorizing the appointment of agents for the

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transportation of models and specimens to the Patent Office, is hereby repealed.

SEC. 7. *And be it further enacted,* That the Commissioner is further authorized, from time to time, to appoint, in the manner already provided for by law, such an additional number of principal examiners, first assistant examiners, and second assistant examiners as may be required to transact the current business of the office with despatch, provided the whole number of additional examiners shall not exceed four of each class, and that the total annual expenses of the Patent Office shall not exceed the annual receipts.

SEC. 8. *And be it further enacted,* That the Commissioner may require all papers filed in the Patent Office to be correctly, legibly, and clearly written, or printed at the cost of the parties filing such papers; and for gross misconduct he may refuse to recognize any person as a patent agent, either generally or in any particular case; but the reasons of the Commissioner for such refusal shall be duly recorded, and subject to the approval of the President of the United States.

SEC. 9. *And be it further enacted,* That no money paid as a fee on any application for a patent after the passage of this act shall be withdrawn or refunded, nor shall the fee paid on filing a caveat be considered as part of the sum required to be paid on filing a subsequent application for a patent for the same invention.

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That the three months' notice given to any caveator, in pursuance of the requirements of the twelfth section of the act of July fourth, eighteen hundred and thirty-six, shall be computed from the day on which such notice is deposited in the post office at Washington, with the regular time for the transmission of the same added thereto, which time shall be indorsed on the notice; and that so much of the thirteenth section of the act of Congress, approved July fourth, eighteen hundred and thirty-six, as authorizes the annexing to letters patent of the description and specification of additional improvements is hereby repealed, and in all cases of additional improvements a separate patent shall be issued.

SEC. 10. *And be it further enacted,* That all laws now in force fixing the rates of the Patent Office fees to be paid and discriminating between the inhabitants of the United States and those of other countries which shall not discriminate against the inhabitants of the United States are hereby repealed, and in their stead the following rates are established:

On filing each eaveat, ten dollars;

On filing each original application for a patent except for a design, twenty dollars;

On issuing each original patent, ten dollars;

On every appeal from the examiners-in-chief to the Commissioner, twenty dollars;

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(1.) [On every application for a patent for a design, fifteen dollars ;]

On every application for the reissue of a patent, thirty dollars ;

On every application for the extension of a patent, fifty dollars ; and fifty dollars, in addition, on the granting of every extension ;

On filing each disclaimer, ten dollars ;

For certified copies of patents, and other papers, twelve cents per hundred words ;

For recording every assignment, agreement, power of attorney, and other papers, of three hundred words or under, one dollar ;

For recording every assignment, and other papers, over three hundred and under one thousand words, two dollars ;

For recording every assignment or other writing, if over one thousand words, three dollars ;

For copies of drawings, the reasonable cost of making the same.

SEC. 11. (2.) *And be it further enacted, That any citizen or citizens, or alien or aliens having resided one year in the United States, and taken the oath of his or their intention to become a citizen or citizens, who by his, her, or their own industry, genius, efforts, and expense, may have invented or produced any new and original design for a manufacture, whether of metal*

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or other material or materials, or any new and original design for the printing of woollen, silk, cotton, or other fabrics, or any new and original design for a bust, statue, or bas relief, or composition in alto or basso relievo, or any new and original impression or ornament, or to be placed on any article of manufacture, the same being formed in marble or other material, or any new and useful pattern, or print, or picture, to be either worked into or worked on, or printed, or painted, or cast, or otherwise fixed on, any article of manufacture, or any new and original shape or configuration of any article of manufacture, not known or used by others before his, her, or their invention or production thereof, and prior to the time of his, her, or their application for a patent therefor, and who shall desire to obtain an exclusive property or right therein to make, use, and sell, and vend the same, or copies of the same, to others, by them to be made, used, and sold, may make application, in writing, to the Commissioner of Patents, expressing such desire; and the Commissioner, on due proceedings had, may grant a patent therefor, as in the case now of application for a patent, for the term of three and one-half years, or for the term of seven years, or for the term of fourteen years, as the said applicant may elect in his application: Provided, That the fee to be paid in such application shall be, for the term of three years and six months ten dollars, for seven years fifteen dollars, and for fourteen years thirty dollars: And pro-

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vided, That the patentees of designs under this act shall be entitled to the extension of their respective patents, for the term of seven years from the day on which said patents shall expire, upon the same terms and restrictions as are now provided for the extension of letters patent.

SEC. 12. *And be it further enacted,* That all applications for patents shall be completed and prepared for examination within two years after the filing of the petition, and in default thereof, they shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable, and all applications now pending shall be treated as orignal cases; and all applications for the extension of patents shall be filed at least ninety days before the expiration thereof; and notice of the day set for the hearing of the case shall be published, as now required by law, for at least sixty days.

SEC. 13. *And be it further enacted,* That in all cases where an article is made or vended by any person under the protection of letters patent, it shall be the duty of such person to give sufficient notice to the public that said article is so patented, either by stamping thereon the word patented, together with the day and year the patent was granted; or when, from the character of the article patented, that may be impracticable, by enveloping one or more of the said articles, and affixing a label to the package, or otherwise

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attaching thereto a label on which the notice, with the date, is printed; on failure of which, in any suit for the infringement of letters patent by the party failing so to label or stamp the article the right to which is infringed upon, no damage shall be recovered by the plaintiff, except on proof that the defendant was duly notified of the infringement, and continued after such notice to make or vend the article patented. And the sixth section of the act entitled "An act in addition to an act to promote the progress of the useful arts," and so forth, approved the twenty-ninth day of August, eighteen hundred and forty-two, be, and the same is hereby, repealed.

SEC. 13. *And be it further enacted*, That all acts and parts of acts heretofore passed which are inconsistent with the provisions of this act be, and the same are hereby, repealed.

Passed the Senate May 26, 1860.

Attest: ASBURY DICKINS, *Secretary.*

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X re c.230 of 1861

BY AUTHORITY OF CONGRESS.

THE

Statutes at Large, Treaties,

AND

PROCLAMATIONS,

OF THE

UNITED STATES OF AMERICA.

FROM

DECEMBER 5, 1859, TO MARCH 3, 1863.

Arranged in Chronological Order and carefully collated with the Originals at Washington.

WITH

REFERENCES TO THE MATTER OF EACH ACT AND TO THE SUBSEQUENT ACTS ON THE SAME SUBJECT.

EDITED BY

GEORGE P. SANGER,

COUNSELLOR AT LAW.

The rights and interest of the United States in the stereotype plates from which this work is printed, are hereby recognized, acknowledged, and declared by the publishers, according to the provisions of the joint resolution of Congress, passed March 3, 1845.

VOL. XII.

BOSTON:

LITTLE, BROWN AND COMPANY.

1863.

LIS - 1d

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1859, ch. 22, § 11. Vol. xi. p. 381.

the eleventh section of the act of fifth February, eighteen hundred and fifty-nine, excepting twelve copies to be sent to the library of Congress for the use of the Supreme Court during its sessions; and two copies for use in said library.

Repeal of inconsistent laws.

SEC. 9. *And be it further enacted*, That all acts or parts of acts inconsistent with the provisions hereof are hereby repealed.

APPROVED, March 2, 1861.

March 2, 1861.

1863, ch. 102. *Post*, p. 796.

CHAP. LXXXVIII. — *An Act in Addition to "An Act to promote the Progress of the useful Arts."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Patents may establish rules for taking affidavits and depositions required in cases pending in the Patent Office, and such affidavits and depositions may be taken before any justice of the peace, or other officer authorized by law to take depositions to be used in the courts of the United States, or in the State courts of any State where such officer shall reside; and in any contested case pending in the Patent Office it shall be lawful for the clerk of any court of the United States for any district or Territory, and he is hereby required, upon the application of any party to such contested case, or the agent or attorney of such party, to issue subpœnas for any witnesses residing or being within the said district or Territory, commanding such witnesses to appear and testify before any justice of the peace, or other officer as aforesaid, residing within the said district or Territory, at any time and place in the subpœna to be stated; and if any witness, after being duly served with such subpœna, shall refuse or neglect to appear, or, after appearing, shall refuse to testify, (not being privileged from giving testimony,) such refusal or neglect being proved to the satisfaction of any judge of the court whose clerk shall have issued such subpœna, said judge may thereupon proceed to enforce obedience to the process, or to punish the disobedience in like manner as any court of the United States may do in case of disobedience to process of subpœna ad testificandum issued by such court; and witnesses in such cases shall be allowed the same compensation as is allowed to witnesses attending the courts of the United States: *Provided*, That no witnesses shall be required to attend at any place more than forty miles from the place where the subpœna shall be served upon him to give a deposition under this law: *Provided, also*, That no witness shall be deemed guilty of contempt for refusing to disclose any secret invention made or owned by him: *And provided, further*, That no witness shall be deemed guilty of contempt for disobeying any subpœna directed to him by virtue of this act, unless his fees for going to, returning from, and one day's attendance at the place of examination shall be paid or tendered to him at the time of the service of the subpœna.

Affidavits and depositions in cases pending in the Patent-Office.

Subpœnas for witnesses.

Proceedings when witness refuses, &c.

Pay of witnesses.

Proviso. Witnesses not compelled to attend at place more than forty miles distant; nor to disclose secret invention.

Travel and attendance to be first paid or tendered.

SEC. 2. *And be it further enacted*, That, for the purpose of securing greater uniformity of action in the grant and refusal of letters-patent, there shall be appointed, by the President, by and with the advice and consent of the Senate, three examiners-in-chief, at an annual salary of three thousand dollars each, to be *composed of* persons of competent legal knowledge and scientific ability, whose duty it shall be, on the written petition of the applicant for that purpose being filed, to revise and determine upon the validity of decisions made by examiners when adverse to the grant of letters-patent; and also to revise and determine in like manner upon the validity of the decisions of examiners in interference cases, and when required by the Commissioner in applications for the extension of patents, and to perform such other duties as may be assigned to them by the Commissioner; that from their decisions appeals may be taken to the Commissioner of Patents in person, upon payment of the fee hereinafter prescribed; that the said

Three examiners-in-chief to be appointed.

Salary.

Duty.

Appeals from their decisions.

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examiners-in-chief shall be governed in their action by the rules to be prescribed by the Commissioner of Patents. Rules.

SEC. 3. *And be it further enacted*, That no appeal shall be allowed to the examiners-in-chief from the decisions of the primary examiners, except in interference cases, until after the application shall have been twice rejected; and the second examination of the application by the primary examiner shall not be had until the applicant, in view of the references given on the first rejection, shall have renewed the oath of invention, as provided for in the seventh section of the act entitled "An act to promote the progress of the useful arts, and to repeal all acts and parts of acts heretofore made for that purpose," approved July fourth, eighteen hundred and thirty-six. In what cases appeals are allowed. 1836, ch. 357, § 7 Vol. v. p. 119.

SEC. 4. *And be it further enacted*, That the salary of the Commissioner of Patents, from and after the passage of this act, shall be four thousand five hundred dollars per annum, and the salary of the chief clerk of the Patent Office shall be two thousand five hundred dollars, and the salary of the Librarian of the Patent Office shall be eighteen hundred dollars. Salary of Commissioner of Patents. Of chief clerk. Of the librarian.

SEC. 5. *And be it further enacted*, That the Commissioner of Patents is authorized to restore to the respective applicants, or when not removed by them, to otherwise dispose of such of the models belonging to rejected applications as he shall not think necessary to be preserved. The same authority is also given in relation to all models accompanying applications for designs. He is further authorized to dispense in future with models of designs when the design can be sufficiently represented by a drawing. Commissioner may return models in cases of rejected applications; and in applications for designs. When models of designs may be dispensed with.

SEC. 6. *And be it further enacted*, That the tenth section of the act approved the third of March, eighteen hundred and thirty-seven, authorizing the appointment of agents for the transportation of models and specimens to the Patent Office, is hereby repealed. Act 1836, ch. 357, § 10, repealed. Vol. v. p. 121.

SEC. 7. *And be it further enacted*, That the Commissioner is further authorized, from time to time, to appoint, in the manner already provided for by law, such an additional number of principal examiners, first assistant examiners, and second assistant examiners as may be required to transact the current business of the office with dispatch, provided the whole number of additional examiners shall not exceed four of each class, and that the total annual expenses of the Patent Office shall not exceed the annual receipts. Other principal examiners, &c. may be appointed.

SEC. 8. *And be it further enacted*, That the Commissioner may require all papers filed in the Patent Office, if not correctly, legibly, and clearly written, to be printed at the cost of the parties filing such papers; and for gross misconduct he may refuse to recognize any person as a patent agent, either generally or in any particular case; but the reasons of the Commissioner for such refusal shall be duly recorded, and subject to the approval of the President of the United States. Commissioner may require certain papers to be printed. May refuse to recognize a person as patent agent.

SEC. 9. *And be it further enacted*, That no money paid as a fee, on any application for a patent after the passage of this act, shall be withdrawn or refunded, nor shall the fee paid on filing a caveat be considered as part of the sum required to be paid on filing a subsequent application for a patent for the same invention. That the three months' notice given to any caveator, in pursuance of the requirements of the twelfth section of the act of July fourth, eighteen hundred and thirty-six, shall be computed from the day on which such notice is deposited in the post office at Washington, with the regular time for the transmission of the same added thereto, which time shall be indorsed on the notice; and that so much of the thirteenth section of the act of Congress, approved July fourth, eighteen hundred and thirty-six, as authorizes the annexing to letters-patent of the description and specification of additional improvements is hereby repealed, and in all cases where additional improvements would now be admissible, independent patents must be applied for. Fees not to be refunded. Three months' notice to any caveator. 1836, ch. 357, § 12. Vol. v. p. 121. Repeal of inconsistent provisions.

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Present fees abolished.

SEC. 10. *And be it further enacted*, That all laws now in force fixing the rates of the Patent Office fees to be paid, and discriminating between the inhabitants of the United States and those of other countries, which shall not discriminate against the inhabitants of the United States, are hereby repealed, and in their stead the following rates are established:

Rates of fees established.

Caveat.

On filing each caveat, ten dollars.

Filing application, &c.

On filing each original application for a patent, except for a design, fifteen dollars.

Issuing patent.

On issuing each original patent, twenty dollars.

Appeal.

On every appeal from the examiners-in-chief to the Commissioner, twenty dollars.

Reissue.

On every application for the reissue of a patent, thirty dollars.

Application for extension, and granting.

On every application for the extension of a patent, fifty dollars; and fifty dollars in addition, on the granting of every extension.

Disclaimer.

On filing each disclaimer, ten dollars.

Copies.

For certified copies of patents and other papers, ten cents per hundred words.

Recording.

For recording every assignment, agreement, power of attorney, and other papers of three hundred words or under, one dollar.

For recording every assignment, and other papers, over three hundred and under one thousand words, two dollars.

For recording every assignment or other writing, if over one thousand words, three dollars.

Copies of drawings.

For copies of drawings, the reasonable cost of making the same.

Who may apply for and have patents.

SEC. 11. *And be it further enacted*, That any citizen or citizens, or alien or aliens, having resided one year in the United States, and taken the oath of his or their intention to become a citizen or citizens, who by his, her, or their own industry, genius, efforts, and expense, may have invented or produced any new and original design, or a manufacture, whether of metal or other material or materials, and original design for a bust, statue, or bas relief, or composition in alto or basso relievo, or any new and original impression or ornament, or to be placed on any article of manufacture, the same being formed in marble or other material, or any new and useful pattern, or print, or picture, to be either worked into or worked on, or printed, or painted, or cast, or otherwise fixed on, any article of manufacture, or any new and original shape or configuration of any article of manufacture, not known or used by others before his, her, or their invention, or production thereof, and prior to the time of his, her, or their application for a patent therefor, and who shall desire to obtain an exclusive property or right therein to make, use, and sell, and vend the same, or copies of the same, to others, by them to be made, used, and sold, may make application, in writing, to the Commissioner of Patents, expressing such desire; and the Commissioner, on due proceedings had, may grant a patent therefor as in the case now of application for a patent, for the term of three and one half years, or for the term of seven years, or for the term of fourteen years, as the said applicant may elect in his application: *Provided*, That the fee to be paid in such application shall be, for the term of three years and six months, ten dollars, for seven years, fifteen dollars, and for fourteen years, thirty dollars: *And provided*, That the patentees of designs under this act, shall be entitled to the extension of their respective patents for the term of seven years, from the day on which said patents shall expire, upon the same terms and restrictions as are now provided for the extension of letters-patent.

Term of patent.

Fees.

Extension of patents for designs.

Applications for patents to be completed within two years.

SEC. 12. *And be it further enacted*, That all applications for patents shall be completed and prepared for examination within two years after the filing of the petition, and in default thereof, they shall be regarded as abandoned by the parties thereto; unless it be shown to the satisfaction of the Commissioner of Patents that such delay was unavoidable; and all applications now pending shall be treated as if filed after the passage of this

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act, and all applications for the extension of patents, shall be filed at least ninety days before the expiration thereof; and notice of the day set for the hearing of the case shall be published, as now required by law, for at least sixty days.

For extension, when to be filed.
Notice, when published.

SEC. 13. *And be it further enacted*, That in all cases where an article is made or vended by any person under the protection of letters-patent, it shall be the duty of such person to give sufficient notice to the public that said article is so patented, either by fixing thereon the word patented, together with the day and year the patent was granted; or when, from the character of the article patented, that may be impracticable, by enveloping one or more of the said articles, and affixing a label to the package or otherwise attaching thereto a label on which the notice, with the date, is printed; on failure of which, in any suit for the infringement of letters-patent by the party failing so to mark the article the right to which is infringed upon, no damage shall be recovered by the plaintiff, except on proof that the defendant was duly notified of the infringement, and continued after such notice to make or vend the article patented. And the sixth section of the act entitled "An act in addition to an act to promote the progress of the useful arts," and so forth, approved the twenty-ninth day of August, eighteen hundred and forty-two, be, and the same is hereby, repealed.

Notice that article is patented, how given.

Act of 1842, ch. 263, § 6, repealed.
Vol. v. p. 544.

SEC. 14. *And be it further enacted*, That the Commissioner of Patents be, and he is hereby, authorized to print, or in his discretion to cause to be printed, ten copies of the description and claims of all patents which may hereafter be granted, and ten copies of the drawings of the same, when drawings shall accompany the patents: *Provided*, The cost of printing the text of said descriptions and claims shall not exceed, exclusive of stationery, the sum of two cents per hundred words for each of said copies, and the cost of the drawing shall not exceed fifty cents per copy; one copy of the above number shall be printed on parchment to be affixed to the letters-patent; the work shall be under the direction and subject to the approval of the Commissioner of Patents, and the expense of the said copies shall be paid for out of the patent fund.

Ten copies of descriptions and claims of patents may be printed by Commissioner.
Cost not to exceed, &c.
[Repealed, 1862, ch. 182, § 4. *Post*, p. 583.]
How to be paid

SEC. 15. *And be it further enacted*, That printed copies of the letters patent of the United States, with the seal of the Patent Office affixed thereto, and certified and signed by the Commissioner of Patents, shall be legal evidence of the contents of said letters-patent in all cases.

Contents of letters-patent, how made legal evidence.

SEC. 16. *And be it further enacted*, That all patents hereafter granted shall remain in force for the term of seventeen years from the date of issue; and all extension of such patents is hereby prohibited.

Patents to run for seventeen years.
And not to be extended.

SEC. 17. *And be it further enacted*, That all acts and parts of acts heretofore passed, which are inconsistent with the provisions of this act, be, and the same are hereby repealed.

Repeal of inconsistent provisions.

APPROVED, March 2, 1861.

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CONTAINING

THE DEBATES AND PROCEEDINGS

OF THE

FIRST SESSION OF THE THIRTY-SIXTH CONGRESS:

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SPECIAL SESSION OF THE SENATE.

BY JOHN C. RIVES.

CITY OF WASHINGTON:
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CONTAINING

THE DEBATES AND PROCEEDINGS

OF THE

SECOND SESSION OF THE THIRTY-SIXTH CONGRESS:

ALSO, OF THE

SPECIAL SESSION OF THE SENATE.

BY JOHN C. RIVES.

CITY OF WASHINGTON:
PRINTED AT THE CONGRESSIONAL GLOBE OFFICE.
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THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SIXTH CONGRESS, 1st SESSION. WEDNESDAY, DECEMBER 7, 1859. NEW SERIES.....No. 1.

This is the first number of the CONGRESSIONAL GLOBE for this session—the first of the Thirty-Sixth Congress. It is stereotyped, and, therefore, the back numbers can be supplied at any time. Missing numbers will be sent to subscribers for three cents a number, containing sixteen pages.

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THIRTY-SIXTH CONGRESS.

FIRST SESSION.

SENATE OF THE UNITED STATES.

MONDAY, *December 5*, 1859.

This being the day prescribed by the Constitution of the United States for the meeting of Congress, the Senators assembled in the Senate Chamber, at twelve o'clock, m. The Senate is thus constituted:

Names of Senators, with the expiration of the term of service of each. Democrats (37) in Roman, Republicans (24) in Italic, and Americans (2) in Small Capitals, Vacancies (3.)—Total 66.

JOHN C. BRECKINRIDGE, Vice President of the United States and President of the Senate.

Secretary—ASBURY DICKINS.

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Clement C. Clay, jr....1865	Vacancy.....1865
OREGON.	
Joseph Lane.....1861	Vacancy.....1865

All the Senators were present except Mr. SEWARD, Mr. HAMMOND, Mr. TOOMBS, Mr. CLAY, Mr. FITZPATRICK, Mr. BENJAMIN, Mr. JOHNSON of Arkansas, Mr. SEBASTIAN, Mr. POLK, Mr. CRITTENDEN, Mr. DOUGLAS, Mr. DAVIS, and Mr. FITCH.

Prayer by Rev. P. D. GURLEY, D. D.

CREDENTIALS.

Mr. THOMSON presented the credentials of Hon. JOHN C. TEN EYCK, chosen by the Legislature of New Jersey a Senator from that State, for the term of six years from the 4th day of March, 1859; which were read, and the oath prescribed by law having been administered to Mr. TEN EYCK, he took his seat in the Senate.

Mr. GWIN presented the credentials of Hon. HENRY P. HAUN, appointed by the Governor of California a Senator from that State to fill, until the next session of the Legislature, the vacancy occasioned by the death of Hon. David C. Broderick; which were read, and the oath prescribed by law having been administered to Mr. HAUN, he took his seat in the Senate.

INVASION OF HARPER'S FERRY.

Mr. MASON. Mr. President, I desire to offer a resolution; and I ask that it may be read for information.

The Clerk read the resolution, as follows:

Resolved, That a committee be appointed to inquire into the facts attending the late invasion and seizure of the armory and arsenal of the United States at Harper's Ferry, in Virginia, by a band of armed men, and report whether the same was attended by armed resistance to the authorities and public force of the United States, and by the murder of any of the citizens of Virginia, or of any troops sent there to protect the public property; whether such invasion and seizure was made under color of any organization intended to subvert the government of any of the States of the Union; what was the character and extent of such organization; and whether any citizens of the United States, not present, were implicated therein, or accessory thereto, by contributions of money, arms, munitions, or otherwise; what was the character and extent of the military equipment in the hands, or under the control, of said armed band, and where and how and when the same was obtained and transported to the place so invaded. And that said committee report whether any and what legislation may, in their opinion, be necessary, on the part of the United States, for the future preservation of the peace of the country, or for the safety of the public property; and that said committee have power to send for persons and papers.

Mr. MASON. Mr. President, I shall ask the Senate to consider that resolution to-morrow; and, in the meantime, it may be printed.

Mr. TRUMBULL. Mr. President, I desire to give notice that, when that resolution comes up for consideration, I shall move to amend it by adding that the same inquiry be made in regard to the seizure of the arsenal at Liberty, in the State of Missouri.

The resolution lies over, under the rules.

ORGANIZATION.

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

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate has assembled, and that the Senate is ready to proceed to business.

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

Resolved, That a committee, consisting of three members, be appointed to join such committee as may be appointed by the House of Representatives, to wait on the President of the United States and inform him that a quorum of each House has assembled, and that Congress is ready to receive any communication he may be pleased to make.

Messrs. SLIDELL, FOOT, and THOMSON were appointed the committee on the part of the Senate.

HOUR OF MEETING.

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

Ordered, That the hour of meeting of the Senate be twelve o'clock, noon, until otherwise ordered.

NOTICE OF A BILL.

Mr. GWIN gave notice of his intention to ask leave to introduce a bill to authorize the President to contract for the transportation of the mails, troops, seamen, munitions of war, Army and Navy supplies, and all other Government service, by railroad, from the Missouri river to San Francisco.

On motion of Mr. IVERSON, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *December 5*, 1859.

The House consists of two hundred and thirty-seven Members, and five Territorial Delegates. The Delegates have no vote. Republicans (109) in Italic; Democrats (101) in Roman; Americans (26) in small capitals; and Whig (1) in Roman spaced.

Dist.	Dist.
MAINE.	
1. *Daniel E. Somes*,	4. *Freeman H. Morse*,
2. *John J. Perry*,	5. *Israel Washburn, jr.*,
3. *Ezra B. French*,	6. *Stephen C. Foster*.
NEW HAMPSHIRE.	
1. *Gilman Marston*,	3. *Thomas M. Edwards*.
2. *Mason W. Tappan*,	
VERMONT.	
1. *E. P. Walton*,	3. *Homer E. Royce*.
2. *Justin S. Morrill*,	
MASSACHUSETTS.	
1. *Thomas D. Eliot*,	7. *Daniel W. Gooch*,
2. *James Buffinton*,	8. *Charles R. Train*,
3. *Charles F. Adams*,	9. *Eli Thayer*,
4. *Alexander H. Rice*,	10. *Charles Delano*,
5. *Anson Burlingame*,	11. *Henry L. Dawes*.
6. *John B. Alley*,	
RHODE ISLAND.	
1. *Christopher Robinson*,	2. *William D. Brayton*.
CONNECTICUT.	
1. *Dwight Loomis*,	3. *Alfred A. Burnham*,
2. *John Woodruff*,	4. *Orris S. Ferry*.
NEW YORK.	
1. LUTHER C. CARTER,*	18. *Clark B. Cochrane*,
2. *James Humphrey*,	19. *James H. Graham*,
3. Daniel E. Sickles,	20. *Roscoe Conkling*,
4. Thomas J. Barr,	21. *R. Holland Duell*,
5. William B. Maclay,	22. *M. Lindley Lee*,
6. John Cochrane,	23. *Charles B. Hoard*,
7. GEORGE BRIGGS,	24. *Charles B. Sedgwick*,
8. Horace F. Clark,†	25. *Martin Butterfield*,
9. John B. Haskin,†	26. *Ebony B. Potter*,
10. *Charles H. Van Wyck*,	27. *Alfred Wells*,
11. *William S. Kenyon*,	28. *William Ireine*,
12. *Charles L. Beale*,	29. *Alfred Ely*,
13. *Abraham B. Olin*,	30. *Augustus Frank*,
14. John H. Reynolds,†	31. *Silas M. Burroughs*,
15. *James B. McKean*,	32. *Elbridge G. Spaulding*,
16. *George W. Palmer*,	33. *Reuben E. Fenton*.
17. *Francis E. Spinner*,	
NEW JERSEY.	
1. JOHN T. NIXON,	4. Peter R. Rigge,†
2. JOHN L. N. STRATTON,	5. *William Pennington*.
3. Garnett B. Adsain,†	
PENNSYLVANIA.	
1. Thomas B. Florence,	14. *Galusha A. Grow*,
2. *Edward Joy Morris*,	15. *James T. Hale*,
3. *John P. Verree*,	16. *Benjamin F. Junkin*,
4. *William Millward*,	17. *Edward McPherson*,
5. *John Wood*,	18. *Samuel S. Blair*,
6. John Hickman,†	19. *John Covode*,
7. *Henry C. Longnecker*,	20. William Montgomery,
8. John Schwartz,†	21. *James K. Moorhead*,
9. *Thaddeus Stevens*,	22. *Robert McKnight*,
10. *John W. Killinger*,	23. *William Stewart*,
11. *James H. Campbell*,	24. *Chapin Hall*,
12. *George W. Scranton*,	25. *Elijah Babbitt*.
13. William H. Dimmick,	
DELAWARE.	
1. William G. Whiteley.	
MARYLAND.	
1. James A. Stewart,	4. H. WINTER DAVIS,
2. EDWIN H. WEBSTER,	5. Jacob M. Kunkel,
3. J. MORRISON HARRIS,	6. George W. Hughes.
VIRGINIA.	
1. MUSCOE R. H. GARNETT,	8. ALEXANDER R. BOTELER,
2. John S. Millson,	9. John T. Harris,
3. Daniel C. Dejarnette,	10. Sherrard Clemens,
4. Roger A. Pryor,	11. Albert G. Jenkins,
5. Thomas S. Bocock,	12. Henry A. Edmundson,
6. Shelton F. Leake,	13. Elbert S. Martin.
7. William Smith,	
NORTH CAROLINA.	
1. WILLIAM N. H. SMITH,	5. JOHN A. GILMER,
2. Thomas Ruffin,	6. JAMES M. LEACH,
3. Warren Winslow,	7. Burton Craige,
4. Lawrence O'B. Branch,	8. ZEBULON B. VANCE.
SOUTH CAROLINA.	
1. John McQueen,	4. Milledge L. Bonham,
2. William Porcher Miles,	5. John D. Ashmore,
3. Lawrence M. Keitt,	6. William W. Boyce.

* Republican American. † Anti-Lecompton Democrat

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THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SIXTH CONGRESS, 1ST SESSION. TUESDAY, DECEMBER 13, 1859. NEW SERIES.....No. 7.

ure of the rights of the South, then the minority will soon become a prey to the ambition and cupidity of the majority.

Gouverneur Morris, in writing to Mr. Pickering—and he is authority I presume on the other side of the House—said that "the legislative lion is not to be entangled in the meshes of a logical net—that the legislature will always make the power they wish to exercise." Limitations of power contained in the Constitution and reservations of undelegated powers are of no avail unless they, for whose benefit they are imposed and reserved, have the power to enforce the limitations and protect the reservations against encroachment. It is idle to expect the delegated powers to protect the reserved; it is nonsense to give a right without a remedy, or a remedy without the means of applying it. It is folly to talk of the minority relying for the protection of their rights upon the privilege of protest, complaint, and remonstrance. No, every separate community must be able to protect itself. Power must be met by power.

If the majority can control this Government, interpreting the Constitution at its will, then this Government is a despotism. Whether wise or unwise, whether merciful or cruel, it is a despotism still.

Mr. Clerk, this power of self-protection, according to my judgment and my theory of politics, resides in each State. Each has the right of secession, the right of interposition, for the arrest of evils within its limits. The means of resistance to oppression are ample; and it is a sad misfortune, sir, that these effective remedies have not been oftener applied. A more frequent application of the remedy would make the will commensurate with the means, inspire moral greatness, embolden courage, make resistance a duty, and equality a necessity.

Mr. Clerk, if our Democratic friends, with the aid of American friends, or of Republicans, who may come to the rescue, as I trust many of them will, be not able to interpose for the security of the South, and for the preservation of the Constitution, I, for one, shall counsel immediate and effective resistance, and shall urge the people to fling themselves upon the reserved rights and the inalienable sovereignty of the State to which I owe my first and last allegiance. [Applause.]

Mr. KILGORE obtained the floor.

Mr. JOHN COCHRANE. If the gentleman will yield, I will move that the House adjourn. It is late, and members are impatient.

Mr. KILGORE. I yield for that purpose.

PERSONAL EXPLANATION.

Mr. KELLOGG, of Illinois. With the permission of the House, I will make a personal explanation. I should be doing violence to my own feelings and sense of propriety if I did not, at this early opportunity, make an apology to this House for any act I may have committed in the unpleasant, and, to me, much regretted occurrence in this Hall on yesterday. It was an offense to its dignity and a breach of its decorum, and I express my regrets that it should have happened, and tender to the House my sincere apology.

Mr. LOGAN. Mr. Clerk, after what has been stated by my worthy colleague, I conceive that it is due from me to state that if, yesterday, in the excitement of debate, I violated any of the rules of the House or of its decorum, I did so unintentionally. If I violated the decorum of this deliberative body I assure the House that I was actuated by no malice. I regret the scene which occurred yesterday, and I trust that it may have no tendency, whatever, to mar any of the kindly relations which have heretofore existed between any of the members of this House.

Mr. JOHN COCHRANE. After this cheering manifestation of a return of cordial feeling to members, I move that the House adjourn.

Mr. BUFFINTON demanded the yeas and nays.

The yeas and nays were ordered.

Mr. BURNETT. I appeal to the gentleman from New York to withdraw the motion to adjourn. If the time is to be taken up with calling the yeas and nays, the gentleman from Indiana had better go on with his speech.

Mr. KILGORE. I am willing that the House should adjourn at this time, for I would prefer to postpone my remarks until Monday. If we could have a vote for Speaker to-night, I would much prefer it; but I am assured by the gentlemen of the other side that that is impossible.

Mr. JOHN COCHRANE withdrew the motion to adjourn; and Mr. KILGORE yielding for that purpose, it was renewed by Mr. HICKMAN.

Mr. GROW demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 112, nays 108; as follows:

YEAS—Messrs. Adrain, Thomas L. Anderson, William C. Anderson, Avery, Barksdale, Barr, Barrett, Bocock, Bonham, Boteler, Bouligny, Boyce, Branson, Branch, Briggs, Bristow, Burch, Burnett, Case, John B. Clark, Clopton, John Cochrane, Cooper, Cox, Burton Craige, Curry, Davidson, H. Winter Davis, John G. Davis, Reuben Davis, De Jarnette, Dimmick, Edmundson, English, Etheridge, Florence, Foulke, Garnett, Gartrell, Hamilton, Hardeman, J. Morrison Harris, John T. Harris, Hatton, Hawkins, Hickman, Hill, Hindman, Houston, Jackson, Jones, Kelit, Kilgore, Kunkel, Lamar, Latrabee, James M. Leach, Leake, Logan, Love, Maclay, Maltory, Elbert S. Martin, Maynard, McClernand, McQueen, McRae, Miles, Millson, Montgomery, Laban T. Moore, Sydenham Moore, Mottrill, Edward Joy Morris, Isaac N. Morris, Morse, Nelson, Niblack, Noell, Pendleton, Pettit, Peyton, Phelps, Pryor, Pugh, Quarles, Reagan, Riggs, James C. Robinson, Ruffin, Scott, Sickles, Simms, Singleton, William Smith, William N. H. Smith, Stanton, Stevenson, James A. Stewart, Stokes, Stout, Taylor, Thomas, Underwood, Vallandigham, Vance, Walton, Webster, Whiteley, Winslow, Woodson, and Wright—112.

NAYS—Messrs. Charles F. Adams, Aldrich, Allen, Alley, Ashley, Babbitt, Beale, Bingham, Blair, Blake, Brayton, Buffinton, Burlingame, Burnham, Butterfield, Campbell, Carey, Carter, Horace F. Clark, Cobb, Colfax, Conkling, Covode, James Craig, Curtis, Dawes, Delano, Duell, Dunn, Edgerton, Edwards, Elliot, Ely, Farnsworth, Fenton, Ferry, Foster, Frank, French, Gilmer, Gooch, Graham, Grow, Gurley, Hale, Hall, Haskin, Helmick, Hoard, Holman, Howard, Humphrey, Hutchins, Irvine, Junkin, Francis W. Kellogg, Kenyon, Kellinger, DeWitt C. Leach, Lee, Longnecker, Loomis, Lovejoy, Marston, Charles D. Martin, McKean, McKnight, McPherson, Moorhead, Nixon, Palmer, Pennington, Perry, Porter, Potter, Pottle, Reynolds, Rice, Christopher Robinson, Royce, Schwartz, Scranton, Sedgwick, Somes, Spaulding, Spinner, Stevens, William Stewart, Stratton, Tappan, Thayer, Theaker, Tompkins, Train, Trimble, Vandever, Van Wyck, Verree, Wade, Waldron, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, Wells, Wilson, Windom, and Woodruff—108.

During the call,

Mr. HINDMAN stated that his colleague, Mr. RUST, had paired off with Mr. WOOD for this day and Monday.

Mr. BONHAM stated that he had been requested to announce that Mr. CLEMENS, who is not well, had paired off with Mr. MILLWARD until Wednesday at twelve o'clock, m.

Mr. STANTON stated that his colleague, Mr. CORWIN, being indisposed, had paired off for this day with Mr. CRAWFORD.

So the motion was agreed to; and thereupon, at a quarter past three o'clock, p. m., the House adjourned.

IN SENATE.

MONDAY, *December* 12, 1859.

Prayer by Rev. P. D. GURLEY, D. D.

The Journal of Thursday was read and approved.

PETITIONS AND MEMORIALS.

Mr. DOOLITTLE presented the petition of Raymond Reynolds, a soldier in the war of 1812, praying to be allowed a pension; which was ordered to lie on the table until the committees shall be appointed.

Mr. TRUMBULL presented the petition of officers of the Washington navy-yard and citizens of Washington, praying for an appropriation for graveling Eighth street east, or Garrison street, from its intersection with Pennsylvania avenue to the navy-yard gate; which was ordered to lie on the table until the committees shall be appointed.

PAPERS WITHDRAWN.

On motion of Mr. CHESNUT, it was

Ordered, That the petition and papers of William B. Hatskell, for himself and other heirs of William Thompson, an officer in the revolutionary war, praying to be allowed the commutation pay due their ancestor, be withdrawn from the files of the Senate, and lie on the table until the committees shall be formed.

NOTICES OF BILLS.

Mr. GRIMES gave notice of his intention to ask leave to introduce a bill to reimburse the State of Iowa for expenses incurred in the suppression of Indian hostilities within her jurisdiction, in the years 1857 and 1858.

Mr. MALLORY gave notice of his intention to ask leave to introduce a bill to amend an act entitled "An act to amend an act entitled 'An act to promote the progress of the arts.'"

Mr. HEMPHILL gave notice of his intention to ask leave to introduce the following bill and joint resolution:

A bill making an appropriation for the support of a regiment of Texas mounted volunteers authorized by the act of Congress of February, 1858; and

A joint resolution making an appropriation for the payment of certain volunteer troops called into service by the Governor of the State of Texas for the protection of the frontier of said State, and to reimburse to said State the amount advanced by her on account thereof.

ORGANIZATION.

Mr. DAVIS. I offer a resolution to the Senate; and, as I shall ask its consideration when it is read, I will explain the object of it.

The Secretary read it, as follows:

Resolved, That a committee of three be appointed to inform the President that the Senate is in session, and ready to receive any communication which he may address to it.

Mr. DAVIS. The reason for presenting the resolution, and asking for its present consideration, is, that a case, which I believe is not usual, has occurred. Since the meeting of the Senate, a district attorney has died, and the court is embarrassed for the want of a successor. The President cannot appoint, because the Senate is in session; but yet he is not officially informed that the Senate is in session; and, therefore, he has no right to send us a nomination. In order to remove this difficulty, I propose the raising of this committee. I ask for the present consideration of the resolution.

The resolution was considered, by unanimous consent, and agreed to.

Mr. DAVIS. I move that the committee be appointed by the Chair.

The resolution was agreed to; and Messrs. DAVIS, CRITTENDEN, and FOOT, were appointed.

Mr. DAVIS subsequently said: The committee appointed by the Senate to wait on the President and inform him that the Senate is ready to receive such communications as may be made to this body, have discharged that duty, and report that the President answered that he would to-morrow have a communication of an executive character, which he would send to the Senate.

CHAPLAINS TO THE SENATE.

Mr. BIGLER. I offered a resolution on Thursday last, before the Senate adjourned, in reference to the selection of Chaplains for the Senate. I ask the Senate to consider that resolution at this time.

There being no objection, the Senate proceeded to consider the following resolution:

Resolved, That the President of the Senate be authorized and requested to invite such officiating clergymen of the District of Columbia as the office may be acceptable to, to officiate as Chaplains to the Senate during the present session, and in such alternation as may be agreeable to them.

Mr. WILSON. I objected to that resolution when it was introduced, because I think the experiment we have tried ought to satisfy us that we had better return to the policy of electing a Chaplain to the Senate. I know, sir, there was complaint in the Senate and in the country before we adopted the plan of inviting the clergymen of the city to officiate here. That grew out of electioneering; out of the fact that clergymen came to

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of Ghent, for negroes carried off by the British troops in the war of 1812; the petition of Mary A. Wise, of Virginia, praying compensation for a negro taken by the British in 1814, out of the fund provided by the treaty of Ghent for the payment of such losses; and the petition of the son and heir of Edward Rudd, praying compensation for slaves carried off by the enemy during the last war with Great Britain.

BILLS INTRODUCED.

Mr. YULEE asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 1) explanatory of an act for the relief of Charles D. Maxwell, a surgeon in the United States Navy; which was read twice by its title, and referred, with his petition and papers heretofore presented to the Senate, to the Committee on Naval Affairs.

Mr. MALLORY, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 10) in addition to an act to promote the progress of the useful arts; which was read twice by its title, and referred to the Committee on Patents and the Patent Office.

Mr. HARLAN asked and obtained leave to introduce a bill (S. No. 8) to reimburse the State of Iowa for moneys expended in the suppression of Indian hostilities within the jurisdiction of that State; which was read twice by its title, and referred to the Committee on Military Affairs and Militia.

He also asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 2) removing the restrictions upon a certain grant of five sections of land to the State of Iowa; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 15) for the relief of purchasers of public lands within the timber reserve opposite Fort Kearney, and for the settlers within the Winnebago agency reservation, the Fort Atkinson reservation, and the timber reserve opposite Fort Crawford, all in the State of Iowa; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. LANE, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 11) making an appropriation for the payment of the expenses incurred by the people of the Territories of Oregon and Washington in the suppression of Indian hostilities therein in the years 1855 and 1856; which was read twice by its title, and referred to the Committee on Military Affairs and Militia.

He also, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 9) to amend "An act for extending the laws and judicial system of the United States to the State of Oregon, and for other purposes;" which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SAULSBURY, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 13) making an appropriation for the erection of a pier in Delaware Bay, for the protection of commerce; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CRITTENDEN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 14) for the relief of Francis Dainese; which was read twice by its title, and referred, with the papers on file, to the Committee on Foreign Relations.

On motion of Mr. CRITTENDEN, it was

Ordered, That the report of the Committee on Foreign Relations on the claim of Francis Dainese, at the last session of Congress, be printed.

Mr. CLAY, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 16) repealing all laws or parts of laws allowing bounties to vessels employed in the bank and other cod fisheries; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 17) to enlarge the public grounds surrounding the Capitol; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HEMPHILL, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 18) making appropriations for the support of one regiment of Texas mounted volunteers, authorized by the act of Congress approved 7th April, 1858; which was read twice by its title, and referred to the Committee on Finance.

He also, in pursuance of previous notice, asked and obtained leave to introduce a joint resolution (S. R. No. 3) to provide for the payment of certain volunteer troops called into service by the Governor of the State of Texas for the protection of the frontier of said State, and to reimburse said State the amount advanced by her on account thereof; which was read twice by its title, and referred to the Committee on Finance.

BILLS REFERRED.

On motion of Mr. BAYARD, the following bills, which were introduced by him yesterday, were referred to the Committee on the Judiciary:

A bill (S. No. 2) concerning the administration of justice in criminal cases;

A bill (S. No. 3) to amend an act entitled "An act to regulate the carriage of passengers in steamships or other vessels," approved March 3, 1855;

A bill (S. No. 4) concerning appeals and writs of error; and

A bill (S. No. 5) to supply vacancies in certain offices.

On motion of Mr. BAYARD, it was

Ordered, That the bill (S. No. 6) concerning seamen be referred to the Committee on Commerce.

NOTICES OF BILLS.

Mr. BINGHAM gave notice of his intention to ask leave to introduce a bill for the relief of Arthur Edwards and others.

Mr. DAVIS gave notice of his intention to ask leave to introduce a bill for the organization of a territorial government in Arizona.

MAIL SERVICE.

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

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire as to the condition of the mail service on route 6565, between Tallahassee and Pensacola, in the State of Florida, and to report upon the expediency and the means of establishing an efficient daily postal service thereon.

PACIFIC RAILROAD.

Mr. GWIN, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 12) to authorize the President to contract for the transportation of the mails, troops, seamen, munitions of war, Army and Navy supplies, and all other Government service, by railroad, from the Missouri river to San Francisco, in the State of California; which was read twice by its title.

Mr. GWIN. Mr. President, this is the same bill which was under consideration in the Senate during the last session. It was reported then by a select committee, and subsequently amended by the Senate, after elaborate investigation and discussion. I introduce it now for the purpose of placing it on the Calendar, in order that we may have an opportunity of taking it up at a very early day. I intend to call it up soon. If, after an examination of the question, it shall be the pleasure of the Senate to have the subject again referred to a select committee, that motion can then be made. My own judgment is, that the best way in which to approach this important question is to take up the bill which I have now introduced. For that purpose, I wish it to go on the Calendar; and I give notice to the Senate that at an early day I shall call it up for consideration.

The PRESIDENT *pro tempore*. The bill goes on the Calendar, as a matter of course, if no motion be made to refer it.

ADJOURNMENT FOR THE HOLIDAYS.

Mr. SLIDELL. I offer the following resolution, and ask for its present consideration:

Ordered, That when the Senate adjourns on Friday next, it be to Tuesday next; and when it adjourns on Tuesday, it be to the Friday following; and when it adjourns on Friday, it be to Tuesday, the third day of January next.

I will state, as some persons have expressed a doubt as to whether this is in conformity to usage, that on two occasions, a few years since, one the occasion of the meeting of the convention at Cincinnati, and the other of the Republican convention at Philadelphia, a resolution in similar terms was adopted. I will say, for myself, that I have not the slightest interest in this matter. My family being here, I have no occasion to go home for the holidays; but I know it will be a matter of great convenience to many gentlemen who are not situated as I am. I ask for the present consideration of the resolution.

Mr. COLLAMER. I have no objection to having an understanding of that kind; but to make an order beforehand for the Senate to adjourn on a future day, when those who happen to be here may think it best to go on with business, I think is not competent; I think it is not parliamentary; I think it is irregular. I have no objection, however, to an understanding of that kind.

Mr. SLIDELL. If the Secretary will have the goodness to send me the Journal of 1856, the Senator from Vermont will find that a resolution like this was adopted on two previous occasions, and no gentleman would think of introducing any business before the Senate on the days when the body was to meet formally. The resolution is offered in this form to obviate the constitutional objection that an adjournment cannot be made for more than three days without the consent of the other House, which cannot of course be obtained under existing circumstances.

Mr. COLLAMER. It seems to me to be a mere evasion of the constitutional prohibition—nothing more, nothing less. It is a very ingenious evasion of the constitutional prohibition.

Mr. IVERSON. I suppose that if this resolution passes, it will be generally understood by the Senators that no business will be transacted on the days when the Senate is to meet for the purpose of a formal adjournment. It can be done, I think, without any difficulty, and this resolution may pass without any constitutional question being raised. It is only a formal common consent entered into by the Senate that on to-morrow we shall do no business but adjourn to Tuesday next, and then on Tuesday, if any members of the Senate are present—it is not necessary that there should be a quorum present—they can adjourn over to Friday in pursuance of the agreement which has been thus entered into, and then over to the Tuesday following. I am perfectly willing to vote for the resolution with this common understanding.

Mr. COLLAMER. I do not mean to be understood as at all objecting to an arrangement like that proposed, if it be done by understanding. I do not expect to leave the city myself, and I do not expect business to be done during the holidays. If it is necessary, I am perfectly willing to attend here for the purpose of making adjournments, in order to keep all things in order; but it seems to me that when the Constitution prohibits either House during the session of Congress to adjourn for more than three days without the consent of the other, an attempt to get rid of it in this mode is not proper. I care not if there is a precedent for it; that does not alter the case in my mind in the least. It is nothing, it seems to me, but an equivocation to get over the prohibition of the Constitution; and I cannot but feel it my duty to protest against it, not that I have any objection to an arrangement of this kind.

Mr. DAVIS. I concur with the objection made by the Senator from Vermont, and I think there is another which we ought also to consider. The House of Representatives is not yet organized; we have not received the annual message and accompanying documents. The House might be organized in the very interval proposed, in which event the Senate ought to be in session.

Mr. SLIDELL. I have sent for the Journal of the Senate, in order to show that this course has been adopted on two previous occasions, by the unanimous assent of the Senate. I will say for myself, that I am entirely indifferent whether the resolution passes or not. I have introduced it at the instance of other gentlemen who really feel an interest in the matter, and whose convenience will be greatly promoted by it. As to the constitutional objection, I confess that I cannot see the force of it at all. I find, by reference to the Journal, that on the 23d December, 1856, it was

"*Ordered*, That when the Senate adjourn it be to Friday next, and when it adjourn on Friday it be to the Monday following."

On two previous occasions, as I before remarked, this arrangement extended over a period of seven or eight days; one for the meeting of the Cincinnati convention, and the other for the Philadelphia convention.

The resolution was agreed to.

On motion of Mr. BRIGHT, the Senate then adjourned.

Elizabeth, praying to be allowed a pension as the widow of a soldier of the Revolution, which was referred to the Committee on Pensions.

Mr. CLINGMAN presented a paper in favor of the enactment of a law to extend the jurisdiction of the district courts of the United States in the State of North Carolina, and to compensate the clerks; which was referred to the Committee on the Judiciary.

Mr. SEWARD presented additional papers in relation to the claim of Mrs. Perry, widow of Commodore M. C. Perry, to a pension; which, with the papers in relation to the claim on the files of the Senate, were referred to the Committee on Pensions.

He also presented the memorial of Jonas P. Levy, in relation to his claim against the Mexican Government; which, with the petition and papers on the files of the Senate, relating to the claim, was referred to the Committee on Foreign Relations.

He also presented a petition of citizens of Westfield, Morrow county, Ohio, praying that the militia who served in the Indian wars, and in that of 1812, may be placed on the same footing in regard to bounty land as those who served in the war with Mexico; which was referred to the Committee on Military Affairs and Militia.

Mr. RICE presented the petition of Henry Carroll and others, citizens of Minnesota, praying the establishment of a mail route from New Ulm, via Leavenworth, to Fort Ridgely, in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. PUGH presented the petition of Charles McCloskey, praying that the pension now received by him may be increased; which was referred to the Committee on Pensions.

Mr. KING presented a memorial of citizens of Buffalo, New York, praying the establishment of a harbor of refuge at the mouth of Grand river, on Lake Michigan; which was referred to the Committee on Commerce.

Mr. CHANDLER presented the petition of Alice Hunt, widow of Thomas Hunt, formerly a captain in the Army, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of Amherst Crane and others, praying that pensions may be granted to the militia who served in the war of 1812, and to the widows of those who have died or may hereafter die; which was referred to the Committee on Pensions.

Mr. POWELL presented the petition of Florian Kern, praying the reimbursement of expenses incurred in raising a company of volunteers for the Mexican war; which was referred to the Committee on Military Affairs and Militia.

Mr. JOHNSON, of Arkansas, presented the petition of Laura Humber, widow of Captain Charles H. Humber, of the Army, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. DAVIS presented the petition of Henry Lace and others, praying that the militia of the Indian wars, and of 1812, may be placed upon the same footing, in regard to bounty land, as those who served in the war with Mexico; which was referred to the Committee on Military Affairs and Militia.

He also presented a letter of Rev. T. H. Mitchell, a chaplain in the United States Army, asking that chaplains in the Army may be allowed service rations and a servant, like commissioned officers; which was referred to the Committee on Military Affairs and Militia.

He also presented the petition of Alfred Dunham and others, praying that the militia of the Indian wars, and of that of 1812, may be placed on the same footing, in regard to bounty lands, as those who served in the war with Mexico; which was referred to the Committee on Military Affairs and Militia.

Mr. IVERSON presented the memorial of Thomas M. Newell, praying to be allowed the same rate of damages for the detention of money due him, as was exacted and paid by him to the United States under similar circumstances; which was referred to the Committee on Claims.

Mr. FITZPATRICK presented the petition of Keziah Pritchett, formerly the widow of David Moore, praying to be allowed a pension; which was referred to the Committee on Pensions.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. THOMSON, it was

Ordered, That the petition of John C. Carter, a lieutenant in the Navy, praying to be allowed the balance of an appropriation made by the act for his relief, passed February 13, 1855, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion of Mr. THOMSON, it was

Ordered, That the memorial of Lieutenant T. A. M. Craven, praying additional compensation during the time he was in command of the expedition to make an exploration and verification of the surveys made for a ship canal near the Isthmus of Darien, to connect the waters of the Atlantic and Pacific by the Atrato and Truando rivers, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion of Mr. DURKEE, it was

Ordered, That the memorial of the Domestic and Foreign Missionary Society of the Protestant Episcopal Church, at Green Bay, Wisconsin, on the files of the Senate, be referred to the Committee on Private Land Claims.

BILLS INTRODUCED.

Mr. SUMNER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 102) to secure the wages of seamen in cases of wreck; which was read twice by its title, and referred to the Committee on Commerce.

Mr. IVERSON asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 9) in relation to the pay of dropped or retired officers of the Navy, who have been restored to their original positions on the active list; which was read twice by its title, and referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES.

Mr. BIGLER, from the Committee on Patents and the Patent Office, to whom was referred the bill (S. No. 10) in addition to "An act to promote the progress of the useful arts," reported it with amendments.

Mr. FITCH, from the Committee on Printing, to whom was referred a motion to print the report of the Secretary of the Senate and Clerk of the House of Representatives, in relation to the continuation of the compilation of the American State Papers, reported in favor of printing the same; and the report was agreed to.

He also, from the same committee, to whom was referred a motion to print the report of the Secretary of the Senate, showing the names and compensation of the persons employed in his office during the year 1859, reported in favor of printing the same; and the report was agreed to.

He also, from the same committee, to whom was referred a motion to print the report of the Secretary of War, communicating Major Barnard's essay on the dangers and defenses of New York, reported in favor of printing the same; and the report was agreed to.

PRINTING OF REPORTS.

On motion of Mr. THOMSON, it was

Ordered, That the report of the Committee on Pensions on the petition of Mary Everts be printed.

On motion of Mr. SAULSBURY, it was

Ordered, That the report of the Committee on Pensions on the petition of William Allen be printed.

On motion of Mr. SAULSBURY, it was

Ordered, That the report of the Committee on Pensions on the petition of John Pickell be printed.

TERRITORY OF DAKOTA.

Mr. RICE. I offer the following resolution; and, if there be no objection, I ask for its present consideration:

Resolved, That the Committee on Territories be instructed to report a bill for the organization of Dakota, which shall include all of that portion of the former Territory of Minnesota not embraced within the limits of the State of Minnesota, or such other boundaries as said committee may deem best for the public interest.

Mr. CLAY. I object to the consideration of that resolution at this time.

The VICE PRESIDENT. It will lie over.

PUBLIC PRINTING.

Mr. BROWN, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 103) to provide for the public printing, binding, engraving, and lithographing; which was read twice by its title.

Mr. BROWN. I desire to say, before I move the reference of that bill, that, in the preparation of it, I have been greatly indebted to the labors of Mr. George Taylor, formerly a member of the House of Representatives. He prepared a bill two years ago with a great deal of care, and I have borrowed largely from it. With that explanation, I move the reference of the bill to the Committee on Printing.

The bill was so referred.

PUBLIC PRINTING INVESTIGATION.

Mr. KING. I ask the Senate now to consider a resolution which I offered the other day, in regard to an investigation of certain matters connected with the public printing. I suppose that it will not occupy much of the time of the Senate.

There being no objection, the Senate proceeded to consider the following resolution, submitted by Mr. KING, on the 19th instant:

Resolved, That a select committee be appointed to inquire and report to the Senate whether $41,000, or any other sum or sums, were paid by the Public Printer, or any party who executed printing or binding for the last Congress or the Executive Departments, for the use or benefit of any person or party conducting a newspaper, or to aid in the support of any newspaper establishment, and especially whether any such payment was made to or for the benefit of the person or party interested in the publication of the Washington Constitution, lately called the Union, the Pennsylvanian, or the Philadelphia Argus; whether any contract was made, or any understanding had, at any time during the last Congress, or since the 3d of March last, between Mr. Bowman, late Superintendent of Public Printing, who was on the 17th instant elected Printer to the Senate, and the Printer for the Senate or the Executive Departments, during the last Congress, by which the said Bowman was to receive $20,000 or other sum a year from such Printer while such Printer should have the printing and binding of Congress or the Executive Departments, payment of said $20,000 or other sum a year to cease whenever such printing and binding should in whole or in part be withheld from such Printer or party contracting to pay; whether anything was paid by such Printer or party to said Bowman, and if anything, how much; whether any, and if any, what other amount, was levied for any newspaper or other purpose upon the Public Printer or any party or parties who executed public printing, or was paid by such Printer or party, or withheld out of the price fixed by law for printing from any party who executed public printing for Congress or the Executive Departments; and whether any member of the Cabinet, or any officer of the Government, was abetting or privy to any such contract, understanding, levy, or payment, or the withholding any part of the price fixed by law for printing from any person or party who executed the printing. And the said committee are instructed to inquire and report what reduction ought to be made in the prices now paid for public printing. For the purposes of this resolution, the said committee are authorized to examine witnesses, and to send for persons and papers.

The resolution was agreed to.

Mr. KING. There is no number designated in the resolution for the committee. I do not know whether there is any fixed number by the rules; but I will move that the committee consist of five members, to be appointed by the Chair.

The motion was agreed to.

TERRITORIAL POLICY.

The VICE PRESIDENT. If there be no further petitions or reports, the business next in order will be the resolution offered by the Senator from Ohio, [Mr. PUGH.] It may give rise to some debate; and as it is within five minutes of the time appointed to call up the special order, the Chair will call it up, if there be no objection.

Mr. CLINGMAN. I hope the special order will be called up by common consent.

Mr. WILSON. I move that the consideration of the resolution of the Senator from Ohio be assigned for to-morrow, at half past one o'clock.

The VICE PRESIDENT. As a special order?

Mr. WILSON. Yes, sir.

The VICE PRESIDENT. It is moved that the resolution offered by the Senator from Ohio, in relation to the expediency of repealing so much of the acts organizing the Territories of New Mexico and Utah, as requires the laws passed by said Territories to be submitted to Congress for approval or rejection, be made the special order for to-morrow, at half past one o'clock.

Mr. GWIN. I suppose, if the Senator wishes to address the Senate on that occasion, there will be no objection; but I do not think it is well to accumulate special orders in this way on the Calendar. It will embarrass legislation. I take it for granted the Senator wishes to address the Senate; and I do not think there will be any difficulty in the way by general consent, without making it as a special order. Let him withdraw the motion.

Mr. WILSON. Very well; I withdraw the motion.

INVASION OF STATES.

The Senate resumed the consideration of the

THE CONGRESSIONAL GLOBE:

v. 29, pt. 2

CONTAINING

THE DEBATES AND PROCEEDINGS

OF THE

FIRST SESSION OF THE THIRTY-SIXTH CONGRESS:

ALSO, OF THE

SPECIAL SESSION OF THE SENATE.

BY JOHN C. RIVES.

CITY OF WASHINGTON:
PRINTED AT THE OFFICE OF JOHN C. RIVES.
1860.

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the House will give it to me when they take a vote upon the commitment of the bill which is now pending before it. There is also a motion pending to reconsider the commitment of the fortification bill to the Committee of the Whole on the state of the Union. That motion I am prepared to call up whenever the House is disposed to act. I do not suppose, in the present thin attendance in the House, that it is desirable to decide this question in reference to the commitment and disposition of appropriation bills; but that it shall be decided to-morrow, in a fuller House.

Mr. PENDLETON. If the gentleman will yield for that purpose, I will move that the House adjourn. I understand that the motion to commit will be the first question in the morning, and that the gentleman now occupying the floor will then be entitled to it.

Mr. STANTON. I will yield to the motion to adjourn.

Mr. REAGAN. I desire to say a word, while the attention of the members present is directed to this matter, in addition to what the gentleman from Ohio [Mr. STANTON] has said. Upon the general question, I do not suppose I can add anything to the views already expressed.

In addition to the resolution to which he refers, referring this subject to the Military Committee, on the day after the House elected a Speaker, or as soon as the House was ready to proceed to business, a bill was referred to the Military Committee, giving them charge of the subject; and a resolution has since been referred to them. Since that time, and before it, and continually since our arrival here, no mail has come to this Capitol, to my colleagues or myself, but what brings us papers and letters announcing the continuation of hostilities upon the frontier; the murdering of men, women, and children, and the carrying of people into captivity; and it is but a continuation of the state of war which has existed upon our frontier for five years. It is a matter which requires urgent action; and we should be derelict in the highest and most censurable regard, in our duty to our constituents, if we did not urge and insist that the House shall act upon the question. The whole subject is before the Military Committee. Common sense and the dictates of reason would seem to require that that committee should have control of the subject.

In asking that the bill shall be referred to the Committee on Military Affairs, I have no assurances whatever that the action of that committee will be one way or the other. I have heard no expression of opinion by the members of that committee on the subject. We have to rely upon the sense of justice and right of that committee as to what they will do. I only ask its reference to that committee in conformity with the motion of my colleague, because they have had the whole subject before them. It is their duty to examine and report upon it; and the report of the Military Committee will have authority with the House.

The SPEAKER *pro tempore*. The Chair would remind the gentleman from Texas that the only motion now before the House is to refer the bill to the Committee of Ways and Means.

Mr. REAGAN. No, sir. My colleague made the motion first to refer the bill to the Committee on Military Affairs.

Mr. HAMILTON. I certainly made the motion distinctly to refer the bill to the Committee on Military Affairs. Whether the motion was heard and entertained by the Speaker or not, I do not know.

Mr. REAGAN. In conformity with the views of my colleague and the chairman of the Committee on Military Affairs, that it would be better to have a fuller vote on this question, I will now yield for a motion to adjourn.

The SPEAKER *pro tempore*. The Chair would suggest that it would be better to have this matter put in a proper shape. The motion to refer to the Committee on Military Affairs is not considered by the Chair as now pending.

Mr. REAGAN. It was the first motion submitted.

Mr. HAMILTON. It has precedence, I think, of the motion of the gentleman from Ohio. Gentlemen near me, on both sides, bear me out in the fact that I made the motion, although the Speaker may not have heard or entertained it.

Mr. BINGHAM. There is no doubt the gentleman made the motion,

The SPEAKER *pro tempore*. The Chair distinctly heard the gentleman from Texas move to refer the bill to the Committee on Military Affairs, but at that time the gentleman from Texas had not been recognized as entitled to the floor, and the bill was not then before the House. Afterwards, when the bill had been taken up, the gentleman from Ohio obtained the floor, and moved to refer it to the Committee of Ways and Means.

Mr. HAMILTON. Then I submit the motion now that the bill be referred to the Committee on Military Affairs.

Mr. REAGAN. I will now yield for a motion to adjourn.

Mr. RUFFIN. I move that the House do now adjourn.

PROTECTION OF FEMALE PASSENGERS.

Mr. JOHN COCHRANE. Before the House adjourns, I ask that Senate bill No. 3 may be taken from the Speaker's table and referred to the Committee on Commerce. It refers to the subject-matter of a bill which has already passed the House.

Mr. RUFFIN. I withdraw my motion temporarily.

Mr. JOHN COCHRANE. The bill to which I refer is one in relation to the protection of female passengers.

There being no objection, the Senate bill to amend an act entitled "An act to regulate the carriage of passengers in steamships and other vessels," approved March 3, 1855, was taken from the Speaker's table, read a first and second time, and referred to the Committee on Commerce.

And then, on motion of Mr. RUFFIN, (at five minutes to five o'clock, p. m.,) the House adjourned.

IN SENATE.

FRIDAY, *March* 16, 1860.

Prayer by the Chaplain, Rev. Dr. GURLEY.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States:

To the Senate of the United States:

Referring to my communication of the 5th instant to the Senate, in answer to its resolution of the 23d February, calling for any "communication which may have been received from the Governor of Texas, and the documents accompanying it, concerning alleged hostilities now existing on the Rio Grande," I have the honor herewith to submit for the consideration of that body the following papers:

Dispatch from the Secretary of War to the Governor of Texas, dated February 28, 1860;

Dispatch from the Governor of Texas to the Secretary of War, dated March 8, 1860;

Dispatch from the acting Secretary of War to the Governor of Texas, dated March 14, 1860.

JAMES BUCHANAN.

WASHINGTON, *March* 15, 1860.

On motion of Mr. HAMLIN, the message was ordered to lie on the table; and a motion by him to print it was referred to the Committee on Printing.

The VICE PRESIDENT also laid before the Senate a report of the Secretary of the Treasury, communicating, in compliance with a resolution of the Senate, a statement of the trade and commerce of the United States with the British North American Provinces annually, since 1850; which was, on motion of Mr. WILSON, referred to the Committee on Commerce; and a motion by him to print the report was referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

Mr. DOOLITTLE presented a memorial of the city council of the city of Racine, in the State of Wisconsin, praying that beacon lights may be established and kept up in the harbor of that place; which was referred to the Committee on Commerce.

Mr. SEBASTIAN presented papers in relation to the claim of Barrow, Porter & Crenshaw, contractors for carrying the mail from Kansas City, Missouri, to Stockton, California, for mules stolen and wagons destroyed by the Indians; which were referred to the Committee on Indian Affairs.

Mr. HAMMOND presented papers in relation to the claim of Captain William L. Hudson, of the United States Navy, for the reimbursement of certain expenditures made by him while in command of the United States steamship Niagara, engaged in laying the Atlantic cable; which were referred to the Committee on Naval Affairs.

Mr. GREEN presented a memorial of the Legislature of Missouri, requesting a reimbursement of money paid by that State in repelling an incursion of the Osage Indians in 1837; which was referred to the Committee on Military Affairs and Militia.

He also presented eight memorials of citizens of Dacotah Territory, praying Congress to grant to them, at the earliest possible moment, a territorial organization; which were referred to the Committee on Territories.

Mr. FESSENDEN presented the petition of Eli Goss, a soldier in the Aroostook expedition, praying to be allowed bounty land; which was referred to the Committee on Public Lands.

PAPERS WITHDRAWN.

On motion of Mr. WILSON, it was

Ordered, That Samuel Remick have leave to withdraw his petition and papers.

PETITIONS RECOMMITTED.

On motion of Mr. HAMLIN, it was

Ordered, That the petition of Lemuel Wooster, praying a pension on account of a disability incurred while employed as a waiter to a militia officer in the United States service, during the last war with Great Britain, with the adverse report of the Committee on Pensions thereon, be recommitted to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. CLAY, from the Committee on Commerce, to whom was referred the joint resolution (H. R. No. 11) providing for the manner of expending the balance of appropriation "for repairing the works and piers, in order to preserve and secure the light-house at Chicago, Illinois," reported it without amendment, and submitted an adverse report.

Mr. WILKINSON, from the Committee on Claims, to whom was referred the memorial of George G. Durham, asking compensation for services as a clerk in the Indian bureau, reported adversely thereon.

OFFICERS OF THE SENATE.

Mr. JOHNSON, of Tennessee. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate to offer the following resolution; and I ask the action of the Senate upon it now:

Resolved, That any vacancy now existing, or which shall hereafter occur, in the places of messengers of the Senate, by death, resignation, removal, or otherwise, such vacancy so existing or occurring shall not be filled by the appointment of other messengers, until it is so ordered by the Senate.

Mr. DAVIS. I should like to have some explanation of that resolution.

Mr. JOHNSON, of Tennessee. I will state, for the information of the Senator from Mississippi, that there are more messengers than are needed by the Senate, while we have not quite so many laborers as we need. My object is to dispense with the further appointment of messengers, and to leave the employment of laborers, if needed, under the control and subject to the order of the committee. These officers are not needed, and I am so informed by the Sergeant-at-Arms. This resolution is offered at his request, and the committee, after considering it, have thought it best to dispense with the appointment of additional messengers, unless otherwise ordered by the Senate.

Mr. DAVIS. If the committee having charge of the subject think we have too many officers, of course I have no objection to lessening the number.

The resolution was considered by unanimous consent, and agreed to.

PATENT LAWS.

Mr. BIGLER. I ask the consent of the Senate to take up the bill (S. No. 10) which is a general supplement to the Patent Office laws, for the purpose of having it recommitted. There is a section of the bill in reference to which the Department has some views to submit to the committee.

The motion to take up the bill (S. No. 10) in addition to an "Act to promote the progress of the useful arts" was agreed to.

Mr. BIGLER. I now move that the bill be recommitted to the Committee on Patents and the Patent Office.

The motion was agreed to.

BILL INTRODUCED.

Mr. LATHAM asked, and by unanimous con-

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THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SIXTH CONGRESS, 1ST SESSION. TUESDAY, MARCH 20, 1860. NEW SERIES...No. 77.

Mr. LANE presented the memorial of the Legislative Assembly of Washington Territory, praying that treaties may be formed with the Chehalis and other tribes of Indians in that Territory; which was referred to the Committee on Indian Affairs.

Mr. BIGLER presented a petition of citizens of Elk county, Pennsylvania, praying the establishment of a mail route from Hellen to Benzinger, in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. LATHAM presented resolutions of the Legislature of California, in favor of the establishment of a new land district in that State; which were referred to the Committee on Public Lands, and ordered to be printed.

He also presented resolutions of the Legislature of California, in favor of an extension of the period of the preëmption privilege to actual settlers on the public lands in that State; which were referred to the Committee on Public Lands, and ordered to be printed.

He also presented resolutions of the Legislature of California, in favor of the establishment of a daily mail between Stockton and Mariposa, and all intermediate post offices; which were referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

He also presented resolutions of the Legislature of California; requesting arms for the use of that State; which were referred to the Committee on Military Affairs and Militia, and ordered to be printed.

Mr. GRIMES presented the petition of James H. Montrose and other citizens of New York, praying Congress to pass a law to prevent all further traffic in and monopoly of the public lands of the United States, and that they be laid out in farms and lots of limited size, for the free and exclusive use of actual settlers; which was ordered to lie on the table.

Mr. BROWN presented the memorial of citizens of Washington, asking for the improvement of North Capitol street; which was referred to the Committee on the District of Columbia.

Mr. SLIDELL presented the petition of John M. and George O. Foote, praying the right to locate certain land scrip; which was referred to the Committee on Private Land Claims.

Mr. JOHNSON, of Tennessee, presented a petition of citizens of New York, praying Congress to pass a law to prevent all further traffic in and monopoly of the public lands of the United States, and that they be laid out in farms and lots of limited size, for the free and exclusive use of actual settlers; which was ordered to lie on the table.

Mr. DAVIS presented the petition of C. Champ and others, praying that land may be granted to the heirs of those who, if living, would be entitled to bounty land for services in the war of 1812, and the various wars against Indian tribes; which was referred to the Committee on Pensions.

Mr. TRUMBULL presented the petition of Robert A. Matthews, for the confirmation of the entry of a tract of land in the Sioux City district, Iowa, by Charles W. Tash, or for the refunding of the purchase-money to the said Matthews, as his attorney; which was referred to the Committee on Private Land Claims.

Mr. SEBASTIAN presented a memorial of citizens of Fort Smith, Arkansas, in favor of the revival of the African slave trade; which was referred to the Committee on Commerce.

Mr. HARLAN presented a resolution of the Legislature of Iowa, praying the establishment of a daily mail from Eddyville to Des Moines, in that State; which was referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

He also presented a petition of Joseph Applegate and others, praying that pensions may be allowed to the surviving militia of the war of 1812, who served fourteen days or were engaged in battle, and to the widows of those deceased; which was referred to the Committee on Pensions.

He also presented a petition of S. W. Hilliard and other citizens of New York, praying the passage of a law to prevent all further traffic in and monopoly of the public lands of the United States, and that they be laid out in farms and lots for the free and exclusive use of actual settlers; which was ordered to lie on the table.

Mr. GWIN presented the petition of Susan Rhind, and other daughters of Charles Rhind, deceased, praying the compensation due their father for negotiating a treaty with the Ottoman Porte; which was referred to the Committee on Foreign Relations.

Mr. CHANDLER presented a petition of citizens of Pontiac, Michigan, praying the enactment of a uniform bankrupt law; which was referred to the Committee on the Judiciary.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. BIGLER, it was

Ordered, That the report of the Secretary of State, communicating, in compliance with a resolution of the Senate, the papers relating to the claims of James Keenan, United States consul at Hong Kong, in China, on the files of the Senate, be referred to the Committee on Foreign Relations.

On motion of Mr. KING, it was

Ordered, That the petition of the heirs of Lieutenant Nathan Weeks, for seven years' half pay, and the back pay due to him at the time of his death, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion of Mr. WADE, it was

Ordered, That the petition of Lieutenant William F. Lovell, of the United States Navy, praying that the same additional compensation may be paid to the officers and seamen who accompanied the expedition in search of Dr. Kane, as was allowed to those who accompanied the expedition under Lieutenant De Haven, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion of Mr. TRUMBULL, it was

Ordered, That the petition and accompanying papers of Virginia Rose (now Virginia Delaney, by marriage) and the other heirs and legal representatives of Captain Alexander Rose, of the revolutionary war, praying the allowance of commutation pay, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion of Mr. MALLORY, it was

Ordered, That the memorial of the watchmen in the Washington navy-yard, praying to be allowed the benefits of the seventh section of the act of 3d March, 1831, "making appropriations for civil and diplomatic expenses," &c., and of the second section of an act of 22d April, 1854, "to amend the third section of an act making appropriations for civil and diplomatic expenses," &c., on the files of the Senate, be referred to the Committee on Naval Affairs.

BILLS INTRODUCED.

Mr. JOHNSON, of Arkansas, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 291) for the relief of Mary Preston, widow of George Preston; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAVIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 292) for the protection of disbursing officers acting in obedience to law, and to insure the execution of measures for which appropriations are made; which was read twice by its title, and referred to the Committee on Finance.

Mr. LANE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 289) to provide two additional superintendencies of Indian affairs for the State of Oregon and Territory of Washington; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HARLAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 294) to extend the right of preëmption over unsurveyed lands in the State of Iowa; which was read twice by its title, and referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. BIGLER. The Committee on Patents and the Patent Office, to whom was referred the bill (S. No. 10) in addition to "An act to promote the progress of the useful arts," have instructed me to report it back with an amendment in the shape of a substitute. I desire to say that this is a very important bill, in relation to the interests of the Patent Office and the inventors of the country; and so soon as it can be printed, I shall endeavor to secure its consideration by the Senate.

The memorial of John L. Hayes, in relation to discrimination in charges and fees against citizens of foreign countries who apply for patents, was referred to the Committee on Patents and the Patent Office. That committee have instructed me to report it back, and ask to be discharged from the further consideration of the subject, for the reason that the object is accomplished in the general bill which I have just reported.

The committee were discharged.

Mr. JOHNSON, of Arkansas, from the Committee on Military Affairs and Militia, to whom was referred the memorial of William Vance & Brothers, for reimbursement of expenses incurred in furnishing outfits to certain volunteers for the Mexican war, who were marched to the place of rendezvous, but were not finally mustered into the service of the United States, submitted a report, accompanied by a bill (S. No. 290) for the relief of Vance & Brothers. The bill was read, and passed to a second reading; and the report was ordered to be printed.

Mr. SEBASTIAN, from the Committee on Indian Affairs, to whom was referred the petition of Israel Johnson, praying compensation for services rendered and supplies furnished to the Miami and Pottawatomie Indians, by order of the United States Indian agents, submitted a report, accompanied by a bill (S. No. 293) to compensate Israel Johnson for services performed by direction of the Indian agents, at the treaty ground at the forks of the Wabash, in 1833. The bill was read, and passed to a second reading; and the report was ordered to be printed.

Mr. HAMMOND, from the Committee on Naval Affairs, to whom was referred the petition of William B. Shubrick, praying to be released on the books of the Treasury Department from liability for a certain sum of money expended for the public service by him, as commander-in-chief of the naval forces of the Pacific, submitted a report, accompanied by a bill (S. No. 295) for the relief of William B. Shubrick. The bill was read, and passed to a second reading; and the report was ordered to be printed.

MARKS ON NEWSPAPER WRAPPERS.

Mr. YULEE. The Committee on the Post Office and Post Roads, to whom was referred the bill (H. R. No. 241) authorizing publishers to print on their papers the date when subscriptions expire, have directed me to report it back with amendments. There is no pressing necessity, in the opinion of the committee, for action on the bill; but I believe the parties who have interested themselves in it are very anxious to have it disposed of. If any Senator desires present action on it, I will move that it be acted on now. If not, I ask that the amendments be printed, and that the bill go on the Calendar.

Mr. TRUMBULL. I hope the bill will be permitted to pass at once. I believe there is no objection to it.

Mr. YULEE. I have no objection to taking it up now.

The bill was considered as in Committee of the Whole. It proposes to modify the second clause of the third section of the act of 30th of August, 1852, "establishing the rates of postage on printed matter;" so as to make it read:

There shall be no word or communication printed on the same after its publication, or upon the cover or wrapper thereof, nor any writing nor mark upon it, nor upon the cover or wrapper thereof, except the name, the ledger account showing the date when the subscription expires, the wrapper number, and the address of the person to whom it is to be sent.

The amendments of the committee were to strike out the words "the ledger account showing," and also the words "the wrapper number;" so as to make it read:

There shall be no word or communication printed on the same after its publication, or upon the cover or wrapper thereof, nor any writing nor mark upon it, nor upon the cover or wrapper thereof, except the name, the date when the subscription expires, and the address of the person to whom it is to be sent.

And to add as an additional section:

SEC. 2. *And be it further enacted*, That all laws declaring that postage at the rate of one cent each shall be charged

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make no objection to that reference. I wish it understood, however, that it is the bill of the Committee on Military Affairs, and not the bill of the Senator from Mississippi.

The PRESIDING OFFICER. The Chair understood that it came from the committee of which the Senator from Mississippi is chairman.

Mr. CLAY. Then the Committee on Pensions might be dispensed with if the Naval Committee should also take jurisdiction of pensions belonging to that branch of the service.

Mr. DAVIS. The Committee on Military Affairs do not take jurisdiction of pensions, but of pension laws—general provisions for the Army. However, I am perfectly willing that this bill should go to the Committee on Pensions.

The PRESIDING OFFICER. The bill will be read a second time, with a view to its reference.

The bill was read a second time, and referred to the Committee on Pensions.

ASSISTANT DOORKEEPER.

Mr. DAVIS. I offer the following resolution:

Resolved, That the Assistant Doorkeeper of the Senate be allowed the same rate of annual compensation as the permanent committee clerks of the Senate, commencing with the present fiscal year.

The subject is one that was before the Senate when the officers of the Senate had their compensation increased, and this seems to have been the only omission. I should like to have the resolution considered now.

Mr. JOHNSON, of Arkansas. A statement was made to me yesterday, that the pay which is proposed to be given is the same as that given in the House of Representatives, and will be more than the Sergeant-at-Arms of the Senate himself receives. Is that so?

Mr. DAVIS. I do not propose to give that pay. The pay which it is proposed to give is that of the permanent committee clerks—$1,850, I think.

The PRESIDING OFFICER. If no objection be interposed, the resolution will be considered at this time.

Mr. CLAY. I object to it. I want to know what he gets now.

The PRESIDING OFFICER. Then it will lie over.

ST. CLAIR FLATS.

Mr. CHANDLER. I move that the Senate now take up bill No. 37, making an appropriation to complete the channel over the St. Clair Flats. I do not desire to press this bill at this time, if the Senate will grant me a day when we can have a direct vote on the bill. The President, in his veto message of the St. Clair Flats bill of the last session, has put forth some new and rather strange propositions. I should look upon a vote against this bill as a vote in favor of these new doctrines. If the Senate will assign a day when they will permit a vote to be taken on this bill, I shall not discuss it now. I call their attention to the fact that up to the date of this veto message I had not occupied thirty minutes of the Senate's time on this subject. Neither do I wish to press this matter pertinaciously. I simply ask, what I think any Senator will say I am entitled to, a direct vote on the proposition; and if the Senate will fix any day, near or distant, when they will take a vote on it, I shall have nothing further to say at this time. I move that the bill be taken up and made the special order for Monday next, at one o'clock.

Mr. SEWARD. There is a special order for Monday.

Mr. CHANDLER. Well, say Tuesday, or any other day that will suit the Senate.

The PRESIDING OFFICER. The first question is, on taking up the bill for consideration. The Senator from Michigan moves to take up the bill (S. No. 37) in relation to the St. Clair Flats.

The motion was agreed to.

The PRESIDING OFFICER. The bill is now before the Senate as in Committee of the Whole.

Mr. CHANDLER. I move that it be made the special order for Tuesday next, at one o'clock.

Mr. CLINGMAN. I have no objection to the Senator being heard on his bill at any time he desires. I think it is his right to be heard upon it; but it seems to me that we had better not make it a special order. If we do, it may interrupt other business. We cannot assume that nobody else will want to debate it. I presume he is not sanguine of its becoming a law. Still, I am perfectly willing that the Senator shall, either now or at any time when it is convenient to himself, speak upon it. I would rather not make it a special order, because it will probably give rise to a general debate; and it seems to me we had better attend to legislation that is more likely to be practical.

Mr. CHANDLER. I will not occupy ten minutes of the time of the Senate upon this bill, if Senators will permit a vote to be taken without extended debate. I simply ask for a vote, with or without debate; and it is perfectly immaterial to me which. The question is perfectly understood by the Senate and the country, and it need not occupy ten minutes of the time of the Senate.

Mr. SLIDELL. I suggest to the Senator from Michigan that we can vote now.

Mr. CHANDLER. I would prefer fixing a more distant day. The Senate is not full now. I would prefer to fix a day when the Senate will be full.

Mr. MALLORY. Will the Senator from Michigan permit me to suggest to him that the resolutions of the Senator from Mississippi [Mr. DAVIS] have been made the special order for Monday. They will run into Tuesday, and there are special orders that will consume all of that week. As he is willing to take a more distant day—and I recognize his right to be heard on the question—I would propose a week further off.

Mr. CHANDLER. Well, say Monday week.

Mr. MALLORY. I will vote with the Senator to make it the special order for Monday week, or take it up now and vote on it, without debate.

Mr. CHANDLER. I move to make the bill the special order for next Tuesday week, April 10.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. HAYES, Chief Clerk, announced that the House had this day ordered the printing of the following documents:

Letter of the Secretary of the Treasury, transmitting a statement of the condition of the banks throughout the United States—ordered at twelve o'clock and sixteen minutes, p. m.

Memorial of the Legislative Assembly of New Mexico for payment of certain militiamen called into service against the Apache Indians by the acting Governor of the Territory—ordered at twelve o'clock and sixteen minutes, p. m.

Memorial for the payment of volunteers under Major Ramon Luna—ordered at twelve o'clock and sixteen minutes, p. m.

Memorial for the payment of militiamen and volunteers—ordered at twelve o'clock and sixteen minutes, p. m.

The message further announced that the House had passed the bill of the Senate (No. 247) for the relief of Mary E. Castor.

PATENT LAWS.

Mr. MALLORY. I now move that the Senate proceed to the consideration of the bill which was under consideration yesterday. It is not quite one o'clock, but we shall gain a little time by taking it up now. The business was unfinished. The gentleman from Pennsylvania, [Mr. BIGLER,] I know, wishes to make a motion to take up another bill. He has another important bill.

The PRESIDING OFFICER. The unfinished business comes up regularly at one o'clock, but it is the right of the Senator to move to take it up at this time.

Mr. BIGLER. If the Senator from Florida will indulge me a moment, there is a bill of a very important character which I desire to bring before the Senate for consideration. It is a bill which I think the Senate can dispose of very readily; it has been fully considered by the Committee on Patents. It is the bill (S. No. 10) in addition to "An act to promote the progress of the useful arts." I know it is bad policy to interfere with a bill which has been so far progressed with as that of the Senator from Florida; but I almost despair of getting up this bill unless I can get it made a special order, and I ask the Senator from Florida to allow me to have the bill taken up and made the special order for—say Wednesday next.

Mr. MALLORY. I yield for that purpose.

Mr. BIGLER. I move to take up the bill (S. No. 10) in addition to an act to promote the progress of the useful arts.

The motion was agreed to.

Mr. BIGLER. I move that the bill be postponed and made the special order for Wednesday next, at one o'clock.

The motion was agreed to.

BANK ISSUES IN THE DISTRICT OF COLUMBIA.

Mr. SLIDELL. I certainly do not approve of this system of making special orders, and accumulating them; but I find it is impossible to resist the habit, and that there is no other mode of getting along with business that one may have specially in charge. I move that the bill (S. No. 50) regulating the banks in the District of Columbia be taken up now, for the purpose of being made the special order of the day for Wednesday of the week after next—the day after the special order of the Senator from Michigan—and I shall then expect that the bill will be passed upon. It has already been debated very fully.

Mr. TRUMBULL. I wish the Senator from Louisiana would persist in what his judgment tells him ought to be the practice here, and that the Senate would agree to go on with business as it stands upon the Calendar. I am satisfied it would economize time, and every bill would then have its fair chance. This way of pressing in to get a special order made, and giving one bill a preference over another—and frequently preference is given to a most unimportant bill—I have always thought, since I have been in the Senate, embarrassed the business of the body, and gave the go-by to measures of importance which were in the hands of Senators, who perhaps were less importunate than others. I will unite with the Senator at any time in adhering to the Calendar, and shall be glad to have a test of the feeling of the Senate on the subject, to see if we cannot go on with business as it is reported by the committees.

Mr. SLIDELL. I agree fully with the Senator from Illinois; but I think it is a little strange that this objection should now present itself to his mind for the first time.

Mr. TRUMBULL. I have stated it before.

Mr. SLIDELL. He certainly did not object to the special orders already made to-day—one proposed by the Senator from Michigan, and the other by the Senator from Pennsylvania. I shall concur with him heartily hereafter; but I have yielded long enough, and I hope the Senate will indulge me now in taking up this bill for the purpose indicated.

The motion was agreed to; and the bill was postponed to, and made the special order for, this day two weeks, at one o'clock.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives by Mr. HAYES, Chief Clerk, announcing that the House had concurred in the first and second amendments of the Senate to the bill (H. R. No. 241) authorizing publishers to print on their papers the date when subscriptions expire, and had concurred in the third amendment of the Senate, with an amendment, in which the concurrence of the Senate was requested; and had concurred in the amendment of the Senate to the title of the bill.

PAY OF THE NAVY.

Mr. BRIGHT. I think this would be a very good time to take up the bill for the enlargement of the public grounds.

Mr. MALLORY. My motion is pending. I only withdrew it temporarily.

The PRESIDING OFFICER. The Senator from Florida moved to take up the unfinished business of yesterday.

Mr. BRIGHT. Which is the naval pay bill. I should like very much to take up the bill for the enlargement of the public grounds. I doubt whether it will take much time.

Mr. MALLORY. I hope we shall be allowed to go on with the unfinished business.

The motion of Mr. MALLORY was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 299) to increase and regulate the pay of officers of the Navy of the United States.

The PRESIDING OFFICER. The pending question is on the amendment offered by the Senator from Maine, [Mr. FESSENDEN,] which is to strike out all of the original bill after the enacting clause, and to insert what was read yesterday, which is in fact a new and separate bill. Both

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to do that which I think proper courtesy towards them and a due consideration for myself require.

Mr. BARKSDALE. I repeat, that the gentleman from Ohio is aware I intended him no discourtesy.

Mr. PENDLETON. Certainly, sir.

Mr. ASHMORE. And that I do not.

Mr. PENDLETON. By no means. And it was because gentlemen were proposing their interrogatories in a proper spirit, and in a friendly manner, that I heard them. If the gentleman from Virginia chooses, he can, by a peremptory objection, cut them out.

Now, Mr. Speaker, in addition to the evidences furnished by this census that was taken, and by the number of votes cast in Kansas, as to which I have heard no suggestions of mistakes, I have this secondary evidence to offer: I have inquired of persons who reside in the Territory of Kansas—friends who went to that Territory from the city in which I live—truthful, observing gentlemen, some of whom have had a most excellent opportunity of knowing the population of Kansas, whose faculties for observation have been greatly sharpened by the fact that they were opposed to the adoption of the Wyandotte constitution, and have no favor for this bill; and, sir, I have not found one of them who dissents from the opinion, as the result of their observations, and of the accounts they have heard from other persons coming from all parts of the Territory, that the population of that Territory is to-day, and was last June, at least one hundred thousand. Now this is evidence satisfactory to me. It is not technically the best evidence, perhaps; but it completely convinces my mind, and satisfies me that, even under the restrictive clause of the conference bill, Kansas is entitled to admission.

Now, sir, as to the other objection made by the gentleman from Missouri—the objection that the rights of the Indians are violated. It is sufficient to reply to the gentleman that he seeks now to put a construction upon the language of that treaty that has not been put upon it before; a construction that was not put upon it at the time the Kansas-Nebraska bill was passed; a construction that was not put upon it at the time the Lecompton bill was passed; a construction which is now sought to be put upon it for the first time; and that the language of this bill provides that all the rights of the Indians and all the guarantees of the United States in the treaties shall be preserved, and that nothing shall be done or recognized under this bill, or under the provisions of the State constitution, that can in any degree infract the rights of the Indians guarantied to them by the treaties of the United States—the same language which guarded their rights in 1854, when the Territory was organized, and which was intended to guard their rights in the Lecompton bill, if it had become a law.

Mr. CLARK, of Missouri. I ask the gentleman from Ohio to name a single treaty with any tribe outside of Kansas making the same guarantees and limitations as are applied to the treaties set forth in my report.

Mr. PENDLETON. In reply, I will ask the gentleman from Missouri whether he knows of any Indian treaties that they are not in?

Mr. CLARK, of Missouri. All the Indian treaties made with the tribes that settled west of the Mississippi river, prior to the treaty made with the Cherokees, Choctaws, and Chickasaws, have the limitation in different phraseology, and not to the same extent.

Mr. PENDLETON. I cannot name the treaties. I am not familiar with the names of these different Indian tribes, nor with the dates of treaties made with them. But I have examined many of them; and I say that in nearly all of the treaties made since the removal of the Cherokees from Georgia, is to be found language similar to that in the treaties to which the gentleman refers.

Before the gentleman asked me the question, I had said all that I meant to say on this question.

Mr. PARROTT obtained the floor, and addressed the House for one hour in support of the bill. [His remarks will be published in the Appendix.]

Mr. MAYNARD obtained the floor.

Mr. GROW. I desire to ask if the House will fix some hour now at which the debate upon this question shall be closed?

Mr. SMITH, of Virginia. You can do that to-morrow. I desire, as a member of the Committee on Territories, to make some remarks whenever I can get an opportunity to do so.

Mr. GROW. I propose that we take the vote at three o'clock, to-morrow. [Cries of "No!" "No!"]

Mr. MAYNARD. I am requested by several gentlemen on both sides of the House to give way for a motion to adjourn. I have a personal engagement which would make it very agreeable for me if the House would adjourn; but I will be governed in the matter by the wish of the House. [Cries of "Go on!" and "Let us adjourn!"]

Mr. SMITH, of Virginia. With the permission of the gentleman from Tennessee, I move that the House do now adjourn.

Mr. GROW. Well, I desire to give notice to the House that if I can get the floor, I will move the previous question at three o'clock to-morrow.

The question was taken on Mr. SMITH's motion; and it was agreed to; and thereupon (at a quarter after five o'clock, p. m.) the House adjourned.

IN SENATE.

WEDNESDAY, *April* 11, 1860.

Prayer by the Chaplain, Rev. Dr. GURLEY.

The Journal of yesterday was read and approved.

BILL RECOMMITTED.

On motion of Mr. MASON, it was

Ordered, That the bill (S. No. 347) to declare the meaning of the act entitled "An act making further provisions for the satisfaction of Virginia land warrants," passed August 31, 1852, be recommitted to the Committee on Public Lands.

PATENT LAWS.

Mr. BIGLER. I move to postpone all prior orders, and that the Senate proceed to the consideration of the bill (S. No. 10) amending the general patent laws.

Mr. HALE. I hope not. I hope the morning hour will be devoted to petitions, reports, and resolutions.

Mr. BIGLER. I think we can get through with the bill during the morning hour.

The VICE PRESIDENT. The question is on the motion of the Senator from Pennsylvania to take up the bill (S. No. 10) in addition to "An act to promote the progress of the useful arts."

Mr. HALE called for the yeas and nays; and they were ordered.

Mr. BIGLER. This is a very important public measure, and I think we can dispose of it during this morning hour. I am satisfied that it will lead to no protracted debate. It is one of those measures which we ought to consider, and to consider promptly. I shall be under the necessity of being absent, probably, for two weeks after Monday next, and I am exceedingly anxious to send this bill to the House of Representatives before I leave. I think the Senator from New Hampshire mistakes the character of the bill, or he would not object to its consideration. It is one of great public importance. It is one which has been well prepared by the Department, and considered by the committee, and I have no doubt it will receive the vote of the Senator from New Hampshire. Unless there be some pressing morning business, I hope the Senate will consider the bill.

Mr. HALE. I shall not object, if the morning business is through; but there is business that ought to be attended to this morning, and I shall object to taking up the bill until it is disposed of.

The question being taken by yeas and nays, resulted—yeas 19, nays 19, as follows:

YEAS—Messrs. Bigler, Bragg, Chesnut, Clingman, Colfamer, Davis, Fitzpatrick, Gwin, Hemphill, Iverson, Lane, Latham, Mason, Nicholson, Powell, Rice, Sebastian, Slidell, and Thomson—19.

NAYS—Messrs. Bingham, Chandler, Clark, Dixon, Doolittle, Douglas, Fessenden, Foot, Green, Hale, Hamlin, King, Seward, Simmons, Sumner, Ten Eyck, Trumbull, Wade, and Wilson—19.

The VICE PRESIDENT. The Senate being equally divided, the Chair determines the question in the negative; and petitions and reports are in order.

PETITIONS AND MEMORIALS.

Mr. WADE presented the petition of G. W. St. John and others, citizens of Ashtabula county, Ohio, praying the passage of a judicious bankrupt law; which was referred to the Committee on the Judiciary.

Mr. LATHAM presented the memorial of John Butterfield and others, contractors for carrying the mail overland from St. Louis and Memphis to San Francisco, remonstrating against the enactment of any law which would change or annul their contract; which was referred to the Committee on the Post Office and Post Roads.

Mr. HEMPHILL presented papers in relation to claims of citizens of Texas to indemnity for depredations by the Indians; which were referred to the Committee on Indian Affairs.

Mr. WILSON presented the petition of Jeremiah Greenleaf and others, officers and soldiers of the war of 1812, praying that pensions be granted to those who served in that war, similar in amount to the pensions granted to those who served in the revolutionary war; which was referred to the Committee on Pensions.

Mr. BRAGG presented the petition of John A. Winslow, a commander in the United States Navy, praying the passage of an explanatory act regulating the pay of officers of the Navy promoted in consequence of the action of the retiring board; which was referred to the Committee on Naval Affairs.

Mr. CRITTENDEN presented the petition of E. D. Tippett, praying an examination of a new plan of ship-building; which was referred to the Committee on Naval Affairs.

Mr. WIGFALL presented a petition of citizens of Texas, praying for the establishment of a mail route from Marshall to Coffeeville, and a post office at Smyrna, in that State; which was referred to the Committee on the Post Office and Post Roads.

He also presented a petition of citizens of Milam county, Texas, praying the establishment of a mail route from Owensville to Cameron, in that county and State; which was referred to the Committee on the Post Office and Post Roads.

He also presented a petition of citizens of Johnson county, Texas, praying the establishment of a mail route from either Hillsboro or Waxahatchie, to Buchanan, in said county and State; which was referred to the Committee on the Post Office and Post Roads.

He also presented a petition of citizens of Clay county, Texas, praying the establishment of a mail route from Gainsville to Henrietta, in that State; which was referred to the Committee on the Post Office and Post Roads.

BILL INTRODUCED.

Mr. HALE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 397) for the relief of witnesses in criminal cases in the District of Columbia; which was read twice by its title, and referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. POWELL, from the Committee on Pensions, to whom was referred the petition of Lockey Simpson, praying an increase of pension, submitted a report, accompanied by a bill (S. No. 396) for the relief of Lockey Simpson. The bill was read, and passed to a second reading; and the report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Lemuel Worster, praying a pension on account of a disability incurred while employed as a waiter to a militia officer in the United States service during the last war with Great Britain, submitted a report, accompanied by a bill (S. No. 395) for the relief of Lemuel Worster. The bill was read, and passed to a second reading; and the report was ordered to be printed.

Mr. POWELL, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution submitted by Mr. YULEE on the 15th ultimo, authorizing the payment, out of the contingent fund of the Senate, to the widow of Thomas Clarke, late a messenger in the service of the Senate, deceased, $150 for funeral expenses, and three months' pay of the deceased, from the time of his death, reported adversely thereon.

Mr. FITCH, from the Committee on Printing, to whom was referred a motion to print the report of the Secretary of the Treasury, communicating, in compliance with a resolution of the Senate, a statement showing the amount of revenue collected annually in each collection district from June 30, 1854, to June 30, 1859, together with the amount expended and the number of persons employed in

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day by the Senator from Virginia, [Mr. MASON.] It will be remembered that he stated that Mr. Sanborn was taken from the custody of this pretended officer by a mob. That was the statement of the Senator from Virginia, made here, and going to the country; and I think a calumny upon the people of Concord. How are the facts, as authenticated by the official papers? The return by the sheriff is as follows:

MIDDLESEX, ss. *April* 3, 1860.

By virtue of this writ, and in obedience thereto, I this day took the body of the within-named Frank B. Sanborn from the custody of Silas Carleton, at Concord, in said county, and now have him, under safe and secure conduct, before the chief justice of the supreme judicial court, now sitting at Boston, in the county of Suffolk, as within directed. And I have also summoned the within-named Silas Carleton to appear before said court, and there show cause of the taking and detaining the said Frank B. Sanborn, by reading to him the within writ, and have also given him in hand an attested copy thereof.

JOHN B. MOORE,
Deputy Sheriff.

Now comes the return of this very Carleton, the pretended officer:

COMMONWEALTH OF MASSACHUSETTS, Suffolk, ss. *April* 4, 1860.

Before Lemuel Shaw, chief justice of the supreme judicial court of Massachusetts.

In the matter of F. B. Sanborn.

And now before the said chief justice comes Silas Carleton, the deputy—

He so calls himself—

of Dunning R. McNair, Sergeant-at-Arms of the Senate of the United States of America, and for answer saith: that by virtue of a certain warrant duly issued by authority of the Senate of the said United States, now in session, on the 16th day of February, A. D. 1860, a copy of which is hereto annexed and made part of this answer, that he did arrest, for the causes in said warrant and the said copy thereof more fully set forth, on the 3d day of April, instant, the body of the said F. B. Sanborn, at Concord, in the county of Middlesex and Commonwealth aforesaid, and that afterwards, (after having arrested him,) to wit: on the day and at the place aforesaid, he, the said F. B. Sanborn, was taken from his custody by one John B. Moore, then and there acting as one of the deputies of the sheriff of said county of Middlesex, and that the said F. B. Sanborn was so taken from his custody by the said John B. Moore, by virtue of a proceeding or writ issued under the hand and seal of the Honorable Ebenezer Rockwood Hoar, associate justice of the said supreme judicial court, on the 3d day of April, instant.

SILAS CARLETON,
Deputy of the Sergeant-at-Arms Senate of United States.

SUFFOLK, ss. *April* 4, 1860.

Subscribed and sworn to before
S. M. QUINCY,
Justice of the Peace.

There, sir, is the official response to the assertion of the Senator from Virginia. The Senator says he was rescued by a mob. It is true there was a mob in Concord. It was a mob of kidnappers, who went there in the name of the Senate of the United States to seize a citizen of Massachusetts. I have here a letter which I have received from one of the most distinguished citizens of Concord, who was present at the time. This is his statement:

"No rescue by the crowd was made or attempted till the writ of *habeas corpus* was served; and this, even, Carleton and his fellows resisted till the deputy sheriff was obliged to use force to take Mr. Sanborn from him." * * * "The arrest was as brutal, cowardly, and outrageous a proceeding as I ever knew in seven years' experience as sheriff of that county."

Sir, it is not unnatural that an arrest made under such circumstances should have attracted attention in that town and throughout the Commonwealth of Massachusetts. It has. It has excited a feeling of indignation against the act; and perhaps that is increased when people put this question: "Why all this effort to seize Mr. Sanborn? Why this overthrow of law to accomplish that purpose?" It is notorious that there is a citizen of Virginia, formerly the chief magistrate of that State, who has openly avowed that he knew much in regard to the very matters in inquiry before that committee, and that rubies should not bribe him to disclose it. He has thrown the challenge down to that committee and this Senate before the whole country, refusing openly to testify; and yet that committee makes no motion to bring ex-Governor Wise before the Senate, and compel him to testify. Instead of that, it seeks a northern man, Mr. Hyatt, now in jail, and another northern man, Mr. Sanborn, who it is well understood know nothing on the matter; and it follows up Mr. Sanborn by an act which I characterize here as simply an act of kidnapping.

I offer these papers, and ask that they go with the memorial already on the table.

The VICE PRESIDENT. If there be no objection, the papers presented by the Senator from Massachusetts will, for the present, lie with the memorial on the table.

Mr. MASON. Before that is done, the Senate will allow me to say a word in reply to what has fallen from the Senator from Massachusetts. When he presented the memorial of this man Sanborn, I objected to the reference which he proposed to give it, upon the ground that I thought no action could be taken upon it until we had the official return upon the warrant under which he had been arrested; and, in the course of the remarks which were made in reply, according to my recollection, to what then came from that Senator, I stated that I, of course, had no personal knowledge of anything that transpired; but that, as well as I could gather from a hasty correspondence with the marshal, whose deputy was the party that made the arrest, Sanborn, when arrested, had been rescued by a mob in the town of Concord, from the officers of the law. That was denied by the Senator, on information that he had received to the contrary. I had no other information, of course, than that communicated to me by the correspondence. Since then, I have received—and only last night—the official return of the officer who made the arrest; and it is my purpose, on Monday, under the instructions of the select committee, to present the question to the Senate for the disposition that that committee have instructed me to move shall be made of the subject. It may possibly involve an inquiry which will ascertain the facts, which would seem to be in controversy between the party making the arrest and the deputy sheriff who served the *habeas corpus*. I will not now go further into the subject; but we have the circumstances that transpired under oath of the party who made the arrest—the deputy of the Sergeant-at-Arms. I shall, I say, on Monday, move, under the instructions of the committee, for the disposition of that subject which they have instructed me to move.

In reply to what fell from the Senator in reference to the action of the committee, I will say this: it has been the pleasure of that Senator to say that a citizen of the State of Virginia, who was late its chief magistrate or Governor, as he learns through the press, has stated that he had information on the subject which the committee were required to inquire into with reference to the occurrences at Harper's Ferry which rubies could not bribe him to disclose; and it has been the pleasure of that Senator to assume that the committee have taken no action to have that gentleman brought before them as a witness, and to assume that they have done it from a desire only to get that sort of information from northern men. Now, I will say to the Senator that he has spoken upon a subject of which he has no information. I assume that the members of the committee have disclosed nothing as to that. I say, therefore, the Senator has stated here, as matters affecting and impugning the conduct of the committee in the inquiry committed to them, that upon which he can have no information. What has been done in that matter, if anything, will be divulged in good time, when the report is made. At present, the Senator can have no information on the subject.

Mr. SUMNER. Mr. President, I profess to have no information except what is open to all the world; and there are two things that are open to all the world, that is, so far as they are known through the press: first, that the ex-Governor of Virginia has more than once declared that he had important information in reference to that matter, and that rubies would not tempt him to disclose it; and secondly, it is known that the ex-Governor of Virginia has not been brought to Washington as Mr. Hyatt has been, and as an attempt has been made to bring Mr. Sanborn. No Kidnappers have been sent into Virginia; nor handcuffs put upon ex-Governor Wise.

The VICE PRESIDENT. The papers will lie on the table.

PATENT LAWS.

Mr. BIGLER. I move that the Senate proceed to the consideration of the bill (S. No. 10) in addition to "An act to promote the progress of the useful arts."

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BIGLER. I suggest that that part of the bill which has been reported as a substitute is the only part that perhaps need be read.

The VICE PRESIDENT. The bill has never been read in the Senate. The Secretary will read the bill at length.

The Secretary proceeded to read the bill.

Mr. BIGLER. I suggest—and perhaps the Senate will agree by unanimous consent—as this bill was recommitted to the committee and a substitute reported for the entire bill, that only the substitute be read.

The VICE PRESIDENT. The Senator from Pennsylvania states that this bill was recommitted to the Committee on Patents, who have reported a substitute for the entire bill; and he asks unanimous consent to suspend the reading of the bill, and that the substitute only be read. If there be no objection, that course will be pursued. The Chair hears no objection. The Secretary will read the amendment of the committee.

The Secretary read the amendment reported by the committee, to strike out all after the enacting clause of the bill, and insert the following in lieu thereof:

That the Commissioner of Patents may establish rules for taking affidavits and depositions required in cases pending in the Patent Office, and such affidavits and depositions may be taken before any justice of the peace, or other officer authorized by law to take depositions to be used in the courts of the United States, or in the State courts of any State where such officer shall reside; and in any contested case pending in the Patent Office, it shall be lawful for the clerk of any court of the United States for any district or Territory, and he is hereby required, upon the application of any party to such contested case, or the agent or attorney of such party, to issue subpœnas for any witnesses residing or being within the said district or Territory, commanding such witnesses to appear and testify before any justice of the peace, or other officer as aforesaid, residing within the said district or Territory, at any time and place in the subpœna to be stated; and if any witness, after being duly served with such subpœna, shall refuse or neglect to appear, or, after appearing, shall refuse to testify, (not being privileged from giving testimony,) such refusal or neglect being proved to the satisfaction of any judge of the court whose clerk shall have issued such subpœna, said judge may thereupon proceed to enforce obedience to the process, or to punish the disobedience in like manner as any court of the United States may do in case of disobedience to process of subpœna *ad testificandum* issued by such court; and witnesses in such cases shall be allowed the same compensation as is allowed to witnesses attending the courts of the United States: *Provided*, That no witness shall be required to attend at any place more than forty miles from the place where the subpœna shall be served upon him to give a deposition under this law: *Provided also*, That no witness shall be deemed guilty of contempt for refusing to disclose any secret invention made or owned by him: *And provided further*, That no witness shall be deemed guilty of contempt for disobeying any subpœna directed to him by virtue of this act, unless his fees for going to, returning from, and one day's attendance at the place of examination shall be paid or tendered to him at the time of the service of the subpœna.

SEC. 2. *And be it further enacted*, That, for the purpose of securing greater uniformity of action in the grant and refusal of letters patent, there shall be appointed in the same manner as now provided by law for the appointment of examiners, a board of three examiners-in-chief, at an annual salary of $3,000 each, to be composed of persons of competent legal knowledge and scientific ability, whose duty it shall be, on the written petition of the applicant for that purpose being filed, to revise and determine upon the validity of decisions made by examiners when adverse to the grant of letters patent; and also to revise and determine in like manner upon the validity of the decisions of examiners in interference cases, and when required by the Commissioner in applications for the extension of patents, and to perform such other duties as may be assigned to them by the Commissioner; that from the decisions of this board appeals may be taken to the Commissioner of Patents in person, upon payment of the fee hereinafter prescribed; that the said examiners-in-chief shall be governed in their action by the rules to be prescribed by the Commissioner of Patents. No appeal shall hereafter be allowed from the decision of the Commissioner of Patents, except in cases pending prior to the passage of this act.

SEC. 3. *And be it further enacted*, That no appeal shall be allowed to the examiners-in-chief from the decisions of the primary examiners, except in interference cases, until after the application shall have been twice rejected; and the second examination of the application by the primary examiner shall not be had until the applicant, in view of the references given on the first rejection, shall have renewed the oath of invention, as provided for in the seventh section of the act entitled "An act to promote the progress of the useful arts, and to repeal all acts and parts of acts heretofore made for that purpose," approved July 4, 1836.

SEC. 4. *And be it further enacted*, That the salary of the Commissioner of Patents, from and after the close of the present fiscal year, shall be $4,500 per annum, and the salary of the chief clerk of the Patent Office shall be $2,500.

SEC. 5. *And be it further enacted*, That the Commissioner of Patents is authorized to restore to the respective applicants, or when not removed by them, to otherwise dispose of such of the models belonging to rejected applications as he shall not think necessary to be preserved. The same authority is also given in relation to all models accompanying applications for designs. He is further authorized to dispense, in future, with models of designs, when the design can be sufficiently represented by a drawing.

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SEC. 6. *And be it further enacted*, That the tenth section of the act approved the 3d of March, 1837, authorizing the appointment of agents for the transportation of models and specimens to the Patent Office, is hereby repealed.

SEC. 7. *And be it further enacted*, That the Commissioner is further authorized, from time to time to appoint, in the manner already provided for by law, such an additional number of principal examiners, first assistant examiners, and second assistant examiners as may be required to transact the current business of the office with dispatch, provided the whole number of additional examiners shall not exceed four of each class, and that the total annual expenses of the Patent Office shall not exceed the annual receipts.

SEC. 8. *And be it further enacted*, That the Commissioner may require all papers filed in the Patent Office to be correctly, legibly, and clearly written, or printed at the cost of the parties filing such papers; and for gross misconduct he may refuse to recognize any person as a patent agent, either generally or in any particular case; but the reasons of the Commissioner for such refusal shall be duly recorded, and subject to the approval of the President of the United States.

SEC. 9. *And be it further enacted*, That no money paid as a fee on any application for a patent after the passage of this act shall be withdrawn or refunded, nor shall the fee paid on filing a caveat be considered as part of the sum required to be paid on filing a subsequent application for a patent for the same invention.

That the three months' notice given to any caveator, in pursuance of the requirements of the twelfth section of the act of July 4, 1836, shall be computed from the day on which such notice is deposited in the post office at Washington, with the regular time for the transmission of the same added thereto, which time shall be indorsed on the notice; and that so much of the thirteenth section of the act of Congress, approved July 4, 1836, as authorizes the annexing to letters patent of the description and specification of additional improvements is hereby repealed, and in all cases of additional improvements, a separate patent shall be issued.

SEC. 10. *And be it further enacted*, That all laws now in force fixing the rates of the Patent Office fees to be paid, and discriminating between the inhabitants of the United States and those of other countries, are hereby repealed, and in their stead the following rates are established: On filing each caveat, ten dollars; on filing each original application for a patent except for a design, twenty dollars; on issuing each original patent, ten dollars; on every appeal from the examiners-in-chief to the Commissioner, twenty dollars; on every application for a patent for a design, fifteen dollars; on every application for the reissue of a patent, thirty dollars; on every application for the extension of a patent, fifty dollars; and fifty dollars, in addition, on the granting of every extension; on filing each disclaimer, ten dollars; for certified copies of patents, and so forth, twelve cents per hundred words; for recording every assignment, agreement, power of attorney, and so forth, of three hundred words or under, one dollar; for recording every assignment, and so forth, over three hundred and under one thousand words, two dollars; for recording every assignment or other writing, if over one thousand words, three dollars; for copies of drawings, the reasonable cost of making the same.

SEC. 11. *And be it further enacted*, That all applications for patents shall be completed and prepared for examination within two years after the filing of the petition, and in default thereof, they shall be regarded as abandoned by the parties thereto; and all applications for the extension of patents shall be filed at least ninety days before the expiration thereof; and notice of the day set for the hearing of the case shall be published, as now required by law, for at least sixty days.

SEC. 12. *And be it further enacted*, That in all cases where an article is made or vended by any person under the protection of letters patent, it shall be the duty of such person to give sufficient notice to the public that said article is so patented, either by stamping thereon the word patented, together with the day and year the patent was granted; or when, from the character of the article patented, that may be impracticable, in the judgment of the Commissioner of Patents, by enveloping one or more of the said articles, and affixing a label to the package, or otherwise attaching thereto a label on which the notice, with the date, is printed; on failure of which, in any suit for the infringement of letters patent by the party failing so to label or stamp the article the right to which is infringed upon, no damage shall be recovered by the plaintiff, except on proof that the defendant was duly notified of the infringement, and continued after such notice to make or vend the article patented. And the sixth section of the act entitled "An act in addition to 'An act to promote the progress of the useful arts,'" and so forth, approved the 29th day of August, 1842, be, and the same is hereby, repealed.

SEC. 13. *And be it further enacted*, That all acts and parts of acts heretofore passed which are inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. BIGLER. I desire to make a few unimportant amendments before the Senate votes on the substitute reported by the committee. In section ten, line twenty, line twenty-three, and line twenty-five of the substitute, I propose to strike out the words "and so forth," and insert the words "and other papers."

The amendment to the amendment was agreed to.

Mr. BIGLER. I propose another amendment, in section eleven, line five, after the word "thereto," to insert: "unless it be shown to the satisfaction of the Commissioner of Patents that such delay was unavoidable; nor shall this section be construed to apply to applications now pending;" so that the section will read:

"*And be it further enacted*, That all applications for patents shall be completed and prepared for examination within two years after the filing of the petition; and in default thereof, they shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner of Patents that such delay was unavoidable; nor shall this section be construed to apply to applications now pending; and all applications for the extension of patents shall be filed at least ninety days before the expiration thereof, &c.

Mr. TRUMBULL. It strikes me that amendment ought not to be made. Surely, if we limit those who are hereafter to file their applications to two years, there is no propriety in allowing those who have already filed them, more than two years. Why should you exclude those who have already filed their applications from the operation of the law? It is a mere limitation. You propose to limit the rights of these parties to two years—to require them to offer their applications within two years—and you make this prospective to all applications hereafter to be filed; and now an amendment is offered allowing those who have already filed their applications more than two years to perfect them. There is no propriety in that. If they have already filed their applications, and have the same length of time hereafter as a person who hereafter files his application, it is all any one can require. I think there should be no such exception as that. On the contrary, in passing limitation laws, it is frequently the case—where we limit the right of action, for instance, to five years, on causes of action hereafter arising—that it is provided that, for the causes of action that have heretofore existed, two years shall be the limitation; but nobody ever thought of giving those who previously had a cause of action a longer time than was given in favor of those who should hereafter acquire a right of action. I think the amendment ought not to be adopted.

Mr. BIGLER. One suggestion to the Senator. There are cases pending where this section might operate hardly. The Senator from Illinois will observe that there might be some difficulty about the construction of this section. It is not clear that it would be held to be applicable to cases heretofore presented. There are cases pending now, that, as he has remarked very truly, have been there for much more than two years; and it is suggested that, in some cases, it can be shown that the delay has been unavoidable; that it has been no fault of the applicant; nothing over which he had any control that caused the delay. Now, this section provides that, after the term of two years, an application, if not perfected, shall be regarded as abandoned. I suggest to the Senator that a change in the language of the amendment might perhaps meet his views.

Mr. TRUMBULL. Limitation laws have never been construed to have a retroactive operation.

Mr. BIGLER. I suggest these words: "that cases now pending shall be treated as original applications."

Mr. TRUMBULL. I have no objection to that, of course.

Mr. BIGLER. That would give the cases now pending two years, and that is all that is desired. I will, therefore, modify the amendment to read, "that cases now pending shall be treated as original applications." That meets the difficulty presented by the Senator from Illinois. That will give two years from the passage of the act for these cases.

The VICE PRESIDENT. If there be no objection, the amendment to the amendment can be so modified. The Secretary will read the amendment, as modified.

The Secretary read it, as follows:

In section eleven, line five, after the word "thereto," insert: "all cases now pending shall be treated as original applications."

The amendment to the amendment was agreed to.

Mr. BIGLER. I propose to amend section twelve, in line eight, after the word "impracticable," by striking out the words "in the judgment of the Commissioner of Patents;" because the judgment of the Commissioner of Patents would not be susceptible of proof.

The amendment to the amendment was agreed to.

Mr. BIGLER. Now, if I can get the attention of the Senate, I will go over the main features of this bill, and endeavor to explain them——

Mr. SIMMONS. I should like to call the attention of the chairman of the Patent Office Committee to a provision here with reference to applications for patents for design. It is in the twelfth and thirteenth lines of the tenth section. I think the committee struck out the power of patenting designs, and, of course, that being the case, we ought not to leave any fees for them. I think there are no designs patentable by the provisions of the bill; but I see there is a fee here for that. I think it would be proper to strike out the twelfth and thirteenth lines of the tenth section, fixing a fee for a patent for a design. You cannot patent a design under the bill as it is amended.

Mr. BIGLER. There are designs under the old law.

The VICE PRESIDENT. The Senators will pause. The Chair must call up the business set apart for to-day.

Mr. BIGLER. I hope the Senate will postpone the regular order for, say, half an hour. I move to postpone the order of the day until two o'clock.

Mr. IVERSON. I object to that. I shall consent to let the Senator have half an hour, if he will agree that at the end of that time he will not press the subject longer.

The VICE PRESIDENT. What is the motion of the Senator from Pennsylvania?

Mr. BIGLER. To postpone the regular order until two o'clock; but I will modify it, and say half past one o'clock.

The VICE PRESIDENT. The Chair calls up the Private Calendar, the regular order for this hour. The Senator from Pennsylvania moves to postpone it until half past one o'clock, to consider this bill.

Mr. HAMLIN. I am disposed to aid the Senator from Pennsylvania in getting along with his bill, but I do not think it is within the scope of possibility for him to get it through in another hour. There are several objections to the bill, which will certainly occasion some discussion, and I hope the Senator will not press it now. He will press it against the friends of the bill, if he is disposed to do so. I want to amend the bill in the tenth section. If I understand that section, it provides for reciprocity in invention. I want to confine that reciprocity to those nations that will give reciprocity to us. In other words, I want to add after the word "countries," in the fourth line, the words "which shall not discriminate against the inhabitants of the United States;" and there are several amendments to be offered by gentlemen around me. I hope it will not be pressed now.

Mr. BIGLER. My object was to explain all these matters. Prussia is the only country, except the United States, that does discriminate. Canada has interdicted the issuing of patents to Americans as a matter of retaliation.

The VICE PRESIDENT. The question is on the motion to postpone the Private Calendar until half past one o'clock, to continue this bill.

The motion was not agreed to.

DAVID MYERLE.

The first bill on the Private Calendar was the bill (S. No. 118) for the relief of David Myerle.

Mr. CLARK. The Senator from Florida [Mr. MALLORY] had some interest in this bill. He is absent from the city; and I hope it will be postponed until next private bill day.

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

Mr. CLARK. I have no objection. I supposed that the Senate would desire a postponement; but if it is desired to pass the bill now, I shall not press the motion.

Mr. CRITTENDEN. I hope it will be postponed. I do not know what interest that gentleman takes in it; but I could never myself see very well how Mr. Myerle is entitled to $44,000. I know something of his operations in Kentucky; and how he has ever conferred benefit enough on the State of Kentucky, or employed himself in labor sufficient to earn $44,000, or half that sum, I am entirely ignorant of; and it was just in my neighborhood that he was sent to teach the people of Kentucky how to manage and handle their hemp. I renew the motion to postpone.

Mr. FESSENDEN. I do not know what Mr. Myerle himself wishes about it. I understood that the bill was coming up. I do not wish to oppose the postponement, if the chairman of the Committee on Claims [Mr. IVERSON] thinks it best to postpone it. I only know that I have formed a very decided opinion as to the matter, and that it is probably familiar to most of the members of the

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business can be entertained by the Senate after Thursday next, and I will therefore propose, if it be agreeable to the Senator from Georgia, to fix a day for it.

Mr. TOOMBS. I hope it will be taken up at an early day, as the action referred to was suspended for this Congress.

Mr. SLIDELL. I will name, then, the first Monday in May, or if there can be an earlier day in May, it will be gratifying to me.

Mr. TOOMBS. I hope the Senate will concur in it. I second the motion.

Mr. SLIDELL. I move that the bill be made the special order for the first Monday in May, and I trust to the indulgence and courtesy of Senators to dispose of the question.

The PRESIDING OFFICER. It is moved to take up the bill (S. No. 307) to repeal the second section and other portions of an act passed the 2d day of June, 1858, entitled "An act to provide for the location of certain confirmed private land claims in the State of Missouri, and for other purposes; and also to provide for the final settlement of certain private land claims in the State of Louisiana."

The motion was agreed to; and the bill was made the special order for the first Monday in May, at one o'clock.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

A bill (No. 640) for the relief of Wendell Trout—to the Committee on Pensions.

A bill (No. 627) for the relief of the widow and other heirs of William Higgins, deceased—to the Committee on Public Lands.

A bill (No. 656) to grant a pension to Mary I. Harris, widow of Colonel Thomas L. Harris, deceased—to the Committee on Pensions.

A bill (No. 637) to settle the titles to certain lands set apart for the use of certain half-breed Kansas Indians, in Kansas Territory—to the Committee on Indian Affairs.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. FORNEY, its Clerk, announced that the Speaker of the House had signed an enrolled bill (S. No. 42) for the relief of the heirs and legal representatives of Mark Elisha; and also the enrolled bill (H. R. No. 213) to incorporate the United States Agricultural Society; and they were signed by the Vice President.

PRINTING OF DOCUMENTS.

The message further announced that the House had ordered, on the 13th instant, at twelve o'clock and thirty-eight minutes, the printing of a letter from the Secretary of War, transmitting, in compliance with a resolution of the House, a statement of the number of officers, privates, &c., who served for a period of six months and upwards in the war of 1812.

The message further announced that the House had ordered, this day, the printing of the following documents:

Message of the President of the United States, transmitting, in compliance with a resolution of the House, information concerning Indian hostilities in the Territory of New Mexico—ordered at twelve o'clock and thirty-eight minutes.

Letter of the Secretary of the Navy, transmitting an abstract of offer for furnishing naval supplies coming under the cognizance of the bureau of yards and docks—ordered at twelve o'clock and thirty-nine minutes.

PATENT LAWS.

The PRESIDING OFFICER. The bill (S. No. 10) in addition to "An act to promote the progress of the useful arts," is before the Senate as in Committee of the Whole, the pending question being on the amendment reported by the Committee on Patents as a substitute for the bill.

Mr. HAMLIN. I propose to amend the substitute, by adding after the word "countries," in line four, section ten, the words——

Mr. HALE. I wish that the bill may be read through, and amended section by section. I may have an amendment to offer to the first section.

Mr. HAMLIN. It has been read through, and I object to its being read again, unless the Senate so vote.

Mr. BIGLER. The Senator can prepare his amendment whilst I go over the several sections of the bill, as I intend to do.

The PRESIDING OFFICER. The reading of the bill is called for.

Mr. HUNTER. I think it had better be read. It is said to be a very important bill. I do not remember having heard it read.

Mr. BIGLER. It has been read at length. I propose to go over the several sections and explain them.

Mr. HUNTER. Very well; that is sufficient, if the Senator will explain it.

The PRESIDING OFFICER. The first question is on the amendment offered by the Senator from Maine.

Mr. HALE. I ask, as a question of order, if it is not the orderly way of doing business to take up a bill, section by section, and read it through and amend it as we go along? I think that is the proper way.

Mr. BIGLER. The whole bill is before the Senate, and the Senator can move to amend any part of it.

The PRESIDING OFFICER. Does the Senator from New Hampshire insist on his call for the reading?

Mr. HALE. No, sir; but I insist on the regular order of business. The regular order, I understand, is to read the bill section by section, and move amendments to each section in order. If that is the orderly way of doing business, it ought to be pursued.

The PRESIDING OFFICER. The Chair is informed by the Secretary that that has been done before.

Mr. HALE. The Secretary is mistaken. The bill has not been read through, section by section, for amendment.

Mr. BIGLER. The entire bill was read, every section of it, and the Senator was here at the time, I think.

Mr. HALE. I was.

Mr. BIGLER. The Senator can move to amend any section, or he can move to strike any section from the bill. It is all at the disposition of the Senate. The amendment of the Senator from Maine has not been read.

The PRESIDING OFFICER. The Chair will state to the Senate that the call of the Senator from New Hampshire is in order, if insisted on.

Mr. HALE. I do insist upon it.

The PRESIDING OFFICER. The bill will be taken up and read by sections, unless the Senate otherwise order.

Mr. BIGLER. Very well; let the first section of the bill be read, then.

The PRESIDING OFFICER. The Secretary will read the first section.

The Secretary read the first section of the proposed substitute, as follows:

That the Commissioner of Patents may establish rules for taking affidavits and depositions required in cases pending in the Patent Office, and such affidavits and depositions may be taken before any justice of the peace, or other officer authorized by law to take depositions to be used in the courts of the United States, or in the State courts of any State where such officer shall reside; and in any contested case pending in the Patent Office it shall be lawful for the clerk of any court of the United States for any district or Territory, and he is hereby required, upon the application of any party to such contested case, or the agent or attorney of such party, to issue subpœnas for any witnesses residing or being within the said district or Territory, commanding such witnesses to appear and testify before any justice of the peace, or other officer as aforesaid, residing within the said district or Territory, at any time and place in the subpœna to be stated; and if any witness, after having been duly served with such subpœna, shall refuse or neglect to appear, or, after appearing, shall refuse to testify, (not being privileged from giving testimony,) such refusal or neglect being proved to the satisfaction of any judge of the court whose clerk shall have issued such subpœna, said judge may thereupon proceed to enforce obedience to the process, or to punish the disobedience in like manner as any court of the United States may do in case of disobedience to process of *subpœna ad testificandum* issued by such court; and witnesses in such cases shall be allowed the same compensation as is allowed to witnesses attending the courts of the United States: *Provided*, That no witnesses shall be required to attend at any place more than forty miles from the place where the subpœna shall be served upon him, to give a deposition under this law: *Provided, also*, That no witness shall be deemed guilty of contempt for refusing to disclose any secret invention made or owned by him: *And provided, further*, That no witness shall be deemed guilty of contempt for disobeying any subpœna directed to him by virtue of this act, unless his fees for going to, returning from, and one day's attendance at, the place of examination, shall be paid or tendered to him at the time of the service of the subpœna.

Mr. BIGLER. The reason for this section must be very obvious, and the necessity for it is so conclusive, that I am satisfied it will receive the vote of the Senator from New Hampshire. It is a singular fact that, in the organization of this institution, no authority was conferred upon any tribunal to subpœna witnesses. Litigation of a very important character, everybody knows, grows out of the affairs connected with this office. It is the duty of the Commissioner of Patents, for instance, to declare interferences between applications for patents in original cases. It is his duty to declare an interference between an application and a patent already in existence. These cases lead to litigation. Now, there is no authority for subpœnaing witnesses or taking affidavits. The practical operation has been this: the case arises; the parties are notified; a day is fixed for hearing the case; the parties endeavor to get their testimony; you cannot say they subpœna their witnesses, for they have no authority to do so; they give them notice, and endeavor, as best they can, to secure the attendance of the witnesses; but perhaps on the day fixed, when everything is arranged for the hearing, some one of these witnesses turns his back on the whole affair, refuses to come, and there is no means of requiring his attendance, and the result is that the case must be postponed. All this has embarrassed the operations of the department seriously, and at the same time throws unnecessary expense on the litigants. The Commissioner states that there are instances in which they are obliged to virtually bribe witnesses—pay them exorbitant rates to get them to come forward and testify. The whole object of this first section is simply to authorize the proper tribunals to issue subpœnas to compel the attendance of witnesses, and punish false swearing. I will read a paragraph on this point from the report of the Commissioner in 1857—a report made by the present Postmaster General, who, we all know, devoted himself very closely to this subject:

"While the statutes organizing and regulating the action of this office constitute, perhaps, the best system of patent laws ever devised, still, the experience of the last twenty years has disclosed various imperfections in their provisions; the more prominent of which, with the remedies proposed, I deem it proper, at this time, briefly to urge upon the attention of Congress.

"In applications for the extension of patents, and in interference cases, a wide range of inquiry into matters of fact is often essential to the ends of justice. The existing laws furnish no means for compelling the attendance of witnesses, nor for obliging them to testify upon such issues. The interests bound up with these investigations are frequently of the greatest magnitude; and, as a consequence, refractory or mercenary men, availing themselves of this omission in the law, have refused to appear or give their depositions, except upon the payment of the most exorbitant sums by parties claiming the testimony. Cases of this character, while working the most cruel hardship to individuals, have tended to bring the Administration of the Government into discredit, if not into contempt. No reason is perceived why the process of subpœna, freely allowed to all litigating their interests in the courts of the country, shall be withheld from the parties to these important and complicated controversies."

There is the whole story of this case. It shows the necessity for the first section, and I hope that is satisfactory to my friend from New Hampshire. It is right to say, that as to the particular feature of the bill, I have never heard any diversity of opinion. It is desired in the Department by the most experienced men. It is desired by inventors, and, I think, by all their agents.

Mr. SUMNER. I think there is no objection to that section.

Mr. BIGLER. So much as to the first section. I understand the Senator from New Hampshire to insist that we shall proceed section by section. Is it the intention to require a vote on this section, or a vote on the whole bill?

Mr. HALE. I have not asked such a thing as a vote on each section. I have only asked that the ordinary course be pursued. It has not been the practice to vote section by section, but to consider the bill so. I do not ask anything unusual.

Mr. BIGLER. Then, I suppose the second section will be read.

The PRESIDING OFFICER, (Mr. FOSTER in the chair.) The second section will now be read, unless some Senator wishes to remark further on the first section.

The Secretary read the second section of the substitute, as follows:

SEC. 2. *And be it further enacted*, That, for the purpose of securing greater uniformity of action in the grant and refusal of letters patent, there shall be appointed, in the same manner as now provided by law for the appointment of ex-

aminers, a board of three examiners-in-chief, at an annual salary of three thousand dollars each, to be composed of persons of competent legal knowledge and scientific ability, whose duty it shall be, on the written petition of the applicant for that purpose being filed, to revise and determine upon the validity of decisions made by examiners when adverse to the grant of letters patent; and also to revise and determine in like manner upon the validity of the decisions of examiners in interference cases, and when required by the Commissioner in application for the extension of patents, and to perform such other duties as may be assigned to them by the Commissioner; that, from the decisions of this board, appeals may be taken to the Commissioner of Patents in person, upon payment of the fee hereinafter prescribed; that the said examiners-in-chief shall be governed in their action by the rules to be prescribed by the Commissioner of Patents. No appeal shall hereafter be allowed from the decision of the Commissioner of Patents, except in cases pending prior to the passage of this act.

Mr. BIGLER. The second section is made necessary by the rapid increase of business in the office. It was organized, I think, in 1836. Up to 1847 the business was of a very limited amount, and I can find no record; but in 1847 the applications were over seven hundred. Since then, they have been increasing with wonderful rapidity, and for the last year exceeded five thousand, and are estimated for the present year at six thousand two hundred. In consequence of the multiplicity of business, owing to the fact that after cases are examined many appeals are taken from the primary examiners, there is a necessity for this reorganization. The Commissioner is utterly unable to hear the appeals which are carried before him under the organization as it now stands, and he has been forced to select three of the principal examiners, and detail them to hear appeals from the primary examiners—a duty which the original law imposed upon the Commissioner, and which he was able to perform so long as the business was very limited; but now it is utterly out of the question.

As to this necessity, there is a concurrence of opinion, I think, amongst the Commissioners, or at least the four who have last filled the place. Judge Mason, Mr. Holt, and Mr. Bishop, all concur, as does the present incumbent, that it is utterly impossible for any one man to hear the appeals from the primary examination. This section constitutes a board of principal examiners, who are to hear the appeals from the primary examiners. It allows an appeal from this board to the Commissioner; but there is no appeal provided for in this bill from the Commissioner to the courts; and in that particular the organization is changed. Heretofore appeals were taken from the examiners to the Commissioner, and from the Commissioner to one of the judges of the circuit court of this District. This bill proposes to constitute a board of principal examiners, and from that board to allow an appeal to the Commissioner, and no appeal from the Commissioner to the courts.

Now, sir, it is hardly possible for any one who has not been connected with the details of this office to determine clearly and satisfactorily to himself whether these features are all wise or not; but I take it, the experience of men in a department like this, disconnected entirely from the excitements of the day, should be almost conclusive. They testify to the necessity of this measure. They insist upon its adoption. I believe it has been recommended here for five or six years; perhaps the one feature to which the Senator from New Hampshire referred has not been. I know there is some difference of opinion in regard to that particular feature. The reason why they asked this change in the department is the danger to the archives of the department and the inconvenience of carrying its documents into court. Then, again, the same principles which must necessarily control the court, control the Commissioner and control this board of examiners. They must be legal men, and they must be men educated in the exact sciences. As to that particular feature—an appeal from the Commissioner to a court—I will say to the Senator from New Hampshire that I care very little about it, except it seems to me that that makes the system too expensive under the proposed reorganization.

Mr. HALE. I move to strike out the second section, and I submit to the Senate my reasons for it. This is a very important change. It cuts off the whole body of inventors in this country from any approach to the judicial tribunals of the land for the ascertainment and settlement of their rights when asking for patents. It is true the bill leaves, as every bill must, the matter open to be contested by conflicting claimants before the judiciary after a patent is granted; but as to all those questions that relate to the granting of patents, to the granting of renewals or extensions—which, as everybody that knows anything about the Patent Office knows, sometimes involve property to the amount of millions, and involve the greatest possible interests that can be involved in any litigation before any tribunal—you propose to cut them off from the judiciary entirely, and to submit them to the arbitrary determination of one man, who, the Senator from Pennsylvania says, cannot possibly examine them; and to remedy——

Mr. BIGLER. It is unnecessary for the Senator from New Hampshire to entirely misrepresent what he certainly understood very clearly.

Mr. HALE. I call the Senator to order; and I want the question of order settled.

Mr. BIGLER. Well, sir, let us have the question of order——

Mr. HALE. He says I entirely misrepresent what I clearly understand.

The PRESIDING OFFICER, (Mr. FOSTER.) I asked the Senator if he yielded to the Senator from Pennsylvania? I have not yet given the floor to the Senator from Pennsylvania.

Mr. HALE. That is not the question I make. The question I make is, whether it is competent for a Senator to rise up here and accuse me of entirely misrepresenting what I clearly understand?

Mr. BIGLER. I did not intend to say that the Senator clearly understood it. I would have shown him in a moment, if he had permitted me, exactly where he misunderstood me. I said——

The PRESIDING OFFICER. Does the Senator from New Hampshire give way to the Senator from Pennsylvania?

Mr. HALE. I want the question of order settled.

The PRESIDING OFFICER. The Chair does not think it in order for one Senator to charge another with misrepresenting what he clearly understood.

Mr. HALE. That is all. Now I will hear the Senator.

Mr. BIGLER. Well, then, Mr. President, the Senator clearly misrepresented what I stated, if he intended to convey the idea that I said that the Commissioner, under this new law, would not be able to hear the cases. I was speaking of the law as it is. I spoke of the impossibility of the Commissioner hearing all the cases that were necessarily carried from the primary examiners. But under this bill, he only hears those which are to be carried from the board of examiners, which is to perform the duty that the Commissioner now performs. The Commissioner will take the place of the court. I do not know how many the cases would be, or what their relative number would be. That is to be determined by experience. But the most experienced men in the department think it will be possible, under the new organization, for the Commissioner to hear all these cases fully and thoroughly. That is what I intended to say.

But I wanted to remark further, that I care very little about this particular feature of the bill; for, as I said to the Senator from New Hampshire, it was one about which there was some difference of opinion. It does not interfere with the right of these parties in court, except as to the particular case before the Patent Office. Everybody knows that you have a right any where in the United States to contest a patent, to institute proceedings to show that it is not an original invention, or that it is defective in any other way that you please. But, sir, if that is the only objection—that it denies an appeal to the courts—the Senator ought to move to strike out that clause only: that feature which denies an appeal to the courts. If he is inclined to persist in striking out the whole section, I must read what the Commissioner, in his report of 1858, says on this particular feature. This is the report of Mr. Holt, who, as I before said, devoted himself very closely to this department, and has taken special interest in it, and who, I take it, understands its practical operation very much better than either the Senator from New Hampshire or myself. Here is what he says as to the necessity for creating this board of examiners:

"Since the month of November, 1857, a board temporarily organized, and consisting of three examiners, specially detailed for this duty, have been occupied in the examination of appeals from the decisions of the primary examiners to the Commissioner. During the past year they investigated and disposed of five hundred and thirty-five cases, in most of which they have submitted elaborately prepared reports. The results of their action have been eminently satisfactory, and have commanded, it is believed, the entire confidence of the country. The withdrawal of these officers from their respective classes has practically reduced the examining corps to nine instead of twelve, the number at which it was fixed in 1856. The applications of that year amounted to four thousand nine hundred and sixty; those of 1858 amounted to five thousand three hundred and sixty-four; so that with a reduced force there is a heavy increase of labor to be performed. This is unfortunate and to be deplored, in reference alike to the public and the inventor. The former has a deep interest in that thorough and faithful examination of applications contemplated by the patent laws, in order that rights which belong to all may not be unjustly monopolized by one; the latter has the same interest, lest a patent, hastily and incautiously granted, should prove in his hands but a lure to draw him into harassing and impoverishing litigation. The legalization of this board, and the restoration of examiners to the three classes now virtually deprived of them, would furnish at once the relief required.

"Since the establishment of this temporary board of appeals, the classes from which its members were respectively withdrawn have been in charge of those who have the rank and pay of assistant examiners only. In the new position, however, assigned them, they have had imposed upon them the responsibilities of examiners-in-chief, and it is due to them to say that they have discharged their duties with zeal and fidelity. In my judgment, it is but just that they should be compensated according to the character of the services they have rendered."

That is the discussion of the necessity of this board, which the second section proposes to create.

Mr. HALE. I am sure it was not necessary for the Senator to say he had no interest in this matter; because nobody said he had. I certainly have none, aside from the inventors and their interests; but striking out the last clause would not meet what I want. If I understand the extract from the report, read by the Senator from Pennsylvania, an addition of three examiners to the force is all that is asked; and, in my humble judgment, the Commissioner of Patents will get in a much better form the redress that he asks, by our simply giving him three additional examiners, and letting him, from the whole number of examiners, detail those that are most competent and most able to discharge these revisory duties, which he says he now has to impose upon three of his examiners. If you leave it in that way, leave it to the Commissioner who is there to select from the whole board of examiners three of the most intelligent, the most competent, and the best informed of the whole, and let him make, as he says he now makes, a board of supervision of them; he will get all that he asks very much better than he will in the manner they are now proposed to be appointed. I suppose they are to be appointed by the Secretary of the Interior, and this section provides for three men, whose sole duty it shall be to constitute this revisory board, and nobody else. This simply interposes between the examiners and the Commissioner three other examiners, and in that way you multiply the machinery without getting any better mode, or any more talent, or any higher grade, or any more information. In fact, you will not have so much.

Now, the Senator says, with a happy innocence of the true state of the case, that these examiners will be scientific men, legal men, men that are well qualified. Does not the Senator know, and does not everybody who knows anything about the Patent Office know, that it is just as much a piece of party machinery as the Supreme Court is, or any other department of the Government? Does he not know that the Commissioner of Patents is a political officer, and appointed for his political standing? Why, Mr. President, there is an examiner in the Patent Office now, who has been there ten years, and I do not know but more, and I suppose he is there now—he was a little while ago—whose sole merit that got him there and kept him there was a scurrilous article that he wrote about me in the New Hampshire Patriot. To pay him for it he has been transferred to the Patent Office, and has been there a dozen years. That is generally the way these examiners and other officers are appointed. It is idle to shut our eyes to the fact.

Now, sir, knowing that this is the way these officers are appointed, I ask you if you are willing to confine the inventors of the country to such a tribunal, and cut them off entirely from the courts and from any approach to the judicial tribunals for the protection of the vast rights which are litigated before this Commissioner in regard to the

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granting of patents and to the renewal or extension of patents? Why not leave them the same judicial remedy which all other parties have who are litigants, and which they have had from the beginning of the Government up to the present time? Where is the necessity of taking this radical step at this time, and taking it—so far as I understand or know anything about it—against the express wishes of the inventors, of the men by whose brain and by whose money this establishment is built up and continued? Why subject them to a final action before this tribunal thus constituted, and not let them go to the courts as they have been allowed to do from the beginning? So far as I have any information about it, that is the feeling of the inventors. They desire that they may, in the last resort, have an appeal to the courts, as they have had ever since the Patent Office was started; and that this rash and radical innovation shall not be forced upon them against their interests and against their wishes, and without any great evil being suggested by anybody from the present operation of the case.

This was one of the reasons why I did not want this bill brought up this afternoon. If I can have an opportunity of consulting with two or three of the inventors that I know are in this city, and their representatives, I shall be content. I have no disposition to stand here and make this opposition; but as it is, I think this is a blow aimed at them which will be deleterious to their interests, contrary to their wishes, and subversive of their rights. I hope the section will be struck out.

Mr. TRUMBULL. The object of this section is to facilitate and improve the manner of obtaining patents. It is intended for the benefit of inventors, and I am not aware that it is objected to by them. This bill has been under consideration a long time by the Committee on Patents. It is proposed now to cut off the appeal from the Commissioner to the judges of the circuit court of the District of Columbia. This appeal has not existed, I think, as the Senator from New Hampshire supposes, from the beginning of the Government. There used to be a board, composed of the Secretary of State and some other officers, that had a revisory power over the Commissioner.

Mr. HALE. The chief justice was one of them.

Mr. TRUMBULL. And now it is proposed to create an inferior tribunal. You have in the first place the primary examiners. They decide on the application for a patent; and the application may be renewed before them—two trials. Then there is an appeal from these primary examiners to the examiners-in-chief, three of them to be appointed for the purpose, and they answer to the present Commissioner. They will relieve the Commissioner of a great portion of the duties which have been devolved upon him by the present arrangement. If the applicant is not satisfied with the decision of the three examiners, he then appeals to the Commissioner, and that is final so far as the obtaining a patent is concerned; but the parties may litigate about their rights just as they do now in the courts. This bill will not prevent that, and does not interfere with any question which may arise between parties claiming to be the first inventors, or any question of that kind. It merely applies to the issuing of the patent by the office.

Now, the very objection which inventors make is, that there is too much machinery. Their patents are rendered worthless because of the litigation they are subjected to in regard to them; and in every application for an extension of a patent filed here, that I remember since I have been a member of Congress and have been upon this committee, I do not recollect a single instance where the applicant has not based his application upon the ground that he has been unable to make the invention remunerative because of the litigation to which he has been subjected. That is one of the troubles. I think there is quite machinery enough about it as the bill is. There must be an end to litigation somewhere; and it does seem to me that these primary examiners first deciding, then the examiners-in-chief, and then the Commissioner, give an applicant as many chances as the public good requires he should have. I think it is right to cut off the appeal to the courts. You are appealing from three bodies of men—the primary examiners, the examiners-in-chief, and the Commissioner—to a court which cannot be expected to understand these matters as well as persons whose whole time and attention are devoted to them. I do not profess to be very familiar with the machinery of the Patent Office; but the Commissioners recommended, three or four of them in succession, substantially, a provision similar to this second section. I assented to this in the committee, and think it would be better to adhere to it as it is.

The PRESIDING OFFICER. The question is on striking out the second section.

Mr. COLLAMER. Does the motion reach to anything more than the last provision? The section provides for a board of examiners to relieve the Commissioner; and I understood the motion was simply to strike out the last clause, which prevents an appeal from the Commissioner to the court.

The PRESIDING OFFICER. The motion before the Senate is to strike out the whole section.

Mr. HALE. Well, sir, I will take it on the last clause.

The PRESIDING OFFICER. Will the Senator be good enough to specify the section?

Mr. HALE. The Clerk knows.

The Secretary read it, as follows:

No appeal shall hereafter be allowed from the decision of the Commissioner of Patents, except in cases pending prior to the passage of this act.

The question being put on the motion to strike out, there were—ayes 8, noes 11; no quorum voting.

Mr. HALE. It is about time to adjourn. I move that the Senate adjourn.

Mr. BIGLER. I call for the yeas and nays on the amendment.

The PRESIDING OFFICER. A motion is made to adjourn, which supersedes that.

Mr. BIGLER. I call for the yeas and nays on the motion to adjourn, to see whether there is a quorum present.

The yeas and nays were ordered; and, being taken, resulted—yeas 21, nays 14; as follows:

YEAS—Messrs. Bingham, Clark, Collamer, Crittenden, Dixon, Durkee, Fessenden, Foot, Foster, Grimes, Hale, Hamlin, King, Latham, Seward, Simmons, Sumner, Ten Eyck, Thomson, Wade, and Wilkinson—21.

NAYS—Messrs. Benjamin, Bigler, Bragg, Bright, Clay, Gwin, Harlan, Hemphill, Iverson, Johnson of Arkansas, Nicholson, Polk, Powell, and Trumbull—14.

So the motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *April* 16, 1860.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. THOMAS H. STOCKTON.

The Journal of Friday was read and approved.

ENROLLED BILL.

Mr. DAVIDSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title, namely: An act (H. R. No. 213) to incorporate the United States Agricultural Society; when the Speaker signed the same.

JACOB WEED.

Mr. ELY. I ask the unanimous consent of the House to take up and recommit to the Committee of Claims the papers in the case of Jacob Weed.

Mr. WASHBURN, of Maine. I object.

INDIAN HOSTILITIES IN NEW MEXICO.

The SPEAKER laid before the House a message from the President of the United States, transmitting, in compliance with a resolution of the House, the report of the Secretary of War, and its accompaniments, communicating information respecting Indian hostilities in New Mexico; which was referred to the Committee on Military Affairs, and ordered to be printed.

NAVY CONTRACTS.

The SPEAKER also laid before the House a communication from the Navy Department, transmitting, in compliance with law, an abstract of offers for furnishing naval supplies, coming under the cognizance of the bureau of yards and docks, for the year ending June 30, 1860; and also a list of the contracts made by that bureau; which was laid upon the table, and ordered to be printed.

EMPLOYÉS OF THE HOUSE.

The SPEAKER also laid before the House a communication from the Doorkeeper of the House, furnishing a list of the employés under him, in answer to a resolution adopted on motion of Mr. BURNETT.

Mr. BURNETT. There have been responses returned to this House by the Clerk, Postmaster, and Doorkeeper, to a resolution which I offered in this House, and which was adopted by it. I would move their reference——

Mr. WASHBURN, of Maine. I inquire whether this debate is in order.

Mr. BURNETT. I shall submit a motion. I prefer the reference of this report——

Mr. WASHBURN, of Maine. I object to anything of this kind until after the expiration of the morning hour.

Mr. BURNETT. I am in order, and the gentleman from Maine is not in order; for he certainly knows that no gentleman has a right to make an objection sitting in his seat.

Mr. TOMPKINS. Then I object.

Mr. BURNETT. Well, your objection is of no avail. I was remarking that I would prefer the reference of these responses to a special committee of this House. My reason is one which I have urged upon this House repeatedly.

Mr. WASHBURN, of Maine. I call for the reading of the rule which declares that one hour after the reading of the Journal shall be devoted to a particular purpose.

The SPEAKER. I understood that unanimous consent was given to make this report to the House.

Mr. WASHBURN, of Maine. I object to everything which interferes with the rule.

Mr. TOMPKINS. And as exception was taken to that objection, on account of the gentleman from Maine not rising in his seat, I rose and objected.

Mr. BURNETT. Gentlemen will save time by allowing me to proceed, for I do not wish to detain the House unnecessarily.

Mr. WASHBURN, of Maine. I have no special objection to the gentleman from Kentucky proceeding, but I object because I see clearly that unless we begin by adhering strictly to the new rules, they will be utterly worthless in their application. Somebody must make this objection. I do not desire to do it; I do not like to do it; but somebody must do it.

The SPEAKER. As this report was allowed to be presented to the House by unanimous consent, a disposition must be made of it.

Mr. BURNETT. This is a subject which the House has repeatedly had before it, since my service here commenced. If gentlemen would take the trouble and pains to examine the disbursement of the contingent fund of this House, and in connection with that the number of employés we have in and around this Capitol, they would find good reason for a reform of abuses. There are no greater abuses connected with the administration of the public affairs of the Federal Government than are to be found in and around this Capitol in connection with the employés and the disbursement of the contingent fund of the House. We have three times as many employés here as the public service demands, who are mere pensioners upon the public bounty. I charge the blame for this state of things upon no particular party; but the fact exists that we have had these supernumeraries here for years, and their number is gradually increasing, and their salaries also. If gentlemen would investigate this matter it would, to say the least, give them employment in the correction of some of the abuses connected with public affairs in and around this House. We have heard much said in this Hall in reference to corruption, extravagance, and abuses; and yet when you point to the place where you ought to apply measures of reform, it is very hard to get gentlemen to coöperate with reference to it.

By a resolution of this House passed during the last Congress, we not only reduced the number of these employés, but we reduced their salaries; and we found numbers of men willing to take their positions, and to discharge the duties attached thereto, at the rates of compensation fixed by that resolution. Yet, no sooner did this Congress meet than the horde of hungry office-seekers who prowl around this Capitol, came here, and by a cordial and hearty coöperation in personal appeals to members, they succeeded in obtaining a majority of the House to repeal the

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from the further consideration of House bill No. 587, for the relief of Anthon L. C. Portman.

Mr. CRAIGE, of North Carolina. I object.

Mr. REAGAN. I ask leave to take up House bill No. 357.

Mr. BURNETT. I move that the House adjourn.

The motion was agreed to; and thereupon (at four o'clock, p. m.) the House adjourned.

IN SENATE.

SATURDAY, *May* 26, 1860.

Prayer by Rev. ROBERT L. DABNEY, of the Virginia Theological Seminary.

The Secretary proceeded to read the Journal of yesterday.

Mr. HALE. I move to dispense with the reading of the Journal, so far as the yeas and nays taken yesterday on the various resolutions and amendments are concerned. Nobody wants to hear them. There are very few here. Reading them takes time.

The VICE PRESIDENT. By unanimous consent, the reading of the yeas and nays on the Journal will be dispensed with. The Chair hears no objection.

The Journal was approved.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate a report of the Secretary of the Treasury, communicating, in compliance with a resolution of the Senate, a report of the Light-House Board, relative to the claim of Don Anastasio Cavillo; which, on motion of Mr. LATHAM, was referred to the Committee on Public Lands.

He also laid before the Senate a report of the Postmaster General, communicating, in compliance with a resolution of the Senate, further information in relation to the contracts with Daniel A. Johnson and Cornelius Vanderbilt, for temporary mail service between New York and San Francisco, and New Orleans and San Francisco, via the Isthmus.

Mr. YULEE. This communication is in addition to a document which has been already printed; and I move that it lie on the table, and be printed.

The VICE PRESIDENT. The motion to print will go to the Committee on Printing.

Mr. YULEE. I ask unanimous consent of the Senate to waive the rule requiring a reference in this case, as the main document, to which this is an addition, has already been ordered to be printed.

The VICE PRESIDENT. The Chair hears no objection, and the order will be made.

NEW YORK POST OFFICE.

The VICE PRESIDENT also laid before the Senate the following communication from the Postmaster General:

POST OFFICE DEPARTMENT, *May* 24, 1860.

SIR: On the 16th instant the Senate adopted the following resolution:

"*Resolved*, That the Postmaster General be instructed to inform the Senate when the Post Office Department first had any knowledge that any defalcation existed on the part of the postmaster of the city of New York; and also to inform the Senate if the Sixth Auditor of the Treasury has faithfully performed, in reference to the post office in the city of New York, the duties imposed on him by the act of March 3, 1851, and especially by the one hundred and ninety-seventh section of said act."

In reply to which, I have the honor to state, that I was for the first time informed of the defalcation of Isaac V. Fowler, late postmaster at New York, on the morning of the 10th May, 1860, on which day he was, by the President, removed from office. I have no reason to believe that any knowledge of this defalcation existed in this Department before the day mentioned.

In the month of April, during my absence in the South, a telegraphic dispatch appeared alleging that there was a deficit in the accounts of the postmaster at New York, and the First Assistant and then acting Postmaster General informs me that, in consequence, his apprehensions were awakened. The postmaster, however, came to Washington, and his accounts were balanced in the Auditor's office up to 31st December, 1859, which quieted the fears that had been excited. The defalcation, since discovered, could not be detected and verified until the accounts for the quarter ending 31st March, 1860, had been audited, which was not completed until 10th May, 1860.

The provision of law referred to as the one hundred and ninety-seventh section of the act of 3d March, 1851, is in fact the eighteenth section of that statute, and was temporary in its operation. The Sixth Auditor appears to have faithfully performed his duty under it, by a report on the 1st March, 1837, which was printed by order of the House of Representatives, and constitutes document No. 183 of second session Twenty-Fourth Congress. A similar report was made on the 22d February, 1845, in obedience to a resolution of the Senate of 23d January, 1845, and the instructions of the Postmaster General.

As the general law does not require reports of this character to be made, none except those named appear to have been submitted to Congress.

Very respectfully, your obedient servant,

J. HOLT, *Postmaster General.*

HON. JOHN C. BRECKINRIDGE,
Vice President of the United States.

Mr. HALE. I ask unanimous consent to have an order made at once for the printing of this communication.

The VICE PRESIDENT. The Chair hears no objection, and the order will be made.

ENROLLED BILL SIGNED.

The VICE PRESIDENT signed the enrolled bill (H. R. No. 239) for the relief of George F. Bratt; which yesterday received the signature of the Speaker of the House of Representatives.

PATENT LAWS.

Mr. BIGLER. It will be remembered that some weeks since we had the Patent Office bill under consideration, and there seemed to be no difficulty, except in reference to a single point. That was in reference to so much of the bill as denied the right of appeal from the decisions of the Commissioner. I am, for my own part, and I believe the committee generally are, willing to yield that feature of the bill. I hope, therefore, the Senate will take it up this morning and dispose of it. It is a bill which will occupy only a few minutes. It has been well considered, and recommended by the Commissioner. It does not take a dollar from the Treasury, but simply gives a meritorious class of people the instrumentalities for which they are perfectly willing to pay. I move that the Senate proceed to the consideration of the bill (S. No. 10) in addition to "An act to promote the progress of the useful arts."

Mr. IVERSON. I do not think it altogether fair that a bill of this kind should be taken up in the morning hour, and supersede petitions and reports from committees. This is a bill which has been up, as we all remember, and on the occasion when it was taken up it gave rise to a very animated discussion, and it is not likely that it is going to be passed *sub silentio* now.

Mr. HALE. With the Senator's consent, I desire to say that that matter has been arranged. The debate arose on a motion that I made about the appeal to the judiciary. That has been arranged, and the Senator from Pennsylvania has consented to let it go. That being the case, I do not think there will be the slightest debate in the world.

Mr. IVERSON. Very well, sir; I yield the objection.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 10) in addition to "An act to promote the progress of the useful arts," the pending question being on the motion of Mr. HALE to amend the substitute reported by the committee, by striking out the following clause in the second section:

"No appeal shall hereafter be allowed from the decision of the Commissioner of Patents, except in cases pending prior to the passage of this act."

The motion to strike out was agreed to;

The VICE PRESIDENT. When the bill was last up, the substitute reported by the committee was being read by sections. The Secretary will read the next section.

The Secretary read the third section, as follows:

SEC. 3. *And be it further enacted*, That no appeal shall be allowed to the examiners-in-chief from the decisions of the primary examiners, except in interference cases, until after the application shall have been twice rejected; and the second examination of the application by the primary examiner shall not be had until the applicant, in view of the references given on the first rejection, shall have renewed the oath of invention, as provided for in the seventh section of the act entitled "An act to promote the progress of the useful arts, and to repeal all acts and parts of acts heretofore made for that purpose," approved July 4, 1836.

The VICE PRESIDENT. The Chair is informed that there was an understanding that the vote should be taken on each section of the substitute as it was read. If there be no objection, then he will put the question on this section.

Mr. BIGLER. That course was pursued in accordance with a suggestion of the Senator from New Hampshire. It is an unusual course in the Senate, and I hope he will waive it.

Mr. HALE. I do not care about it.

The VICE PRESIDENT. The Secretary will proceed to read the remaining sections.

Mr. GRIMES. I desire that the chairman of the Committee on Patents and the Patent Office shall explain the section which has just been read. Why is it that it is required that a patent should be rejected twice before there shall be any appeal to the superior determining power?

Mr. BIGLER. I cannot hear what the Senator from Iowa says.

Mr. GRIMES. I understand that section to declare that no appeal shall lie from the subordinate examiner until it has been twice rejected by him.

Mr. BIGLER. That is the old law. There is no change in that respect.

Mr. GRIMES. Is it the old law?

Mr. BIGLER. It is solely for the purpose of securing a more full and complete examination, in order that the appeals may not be too frequent.

Mr. GRIMES. But it is attended with additional expense to the applicant. Every one of these applications costs the man who claims a patent an additional amount. Now, why is it the Government requires that a man shall make a second application, and subject himself to an additional amount of expense before he shall be permitted to carry his appeal up to the appellate tribunal?

Mr. BIGLER. Well, Mr. President, I am hardly prepared to say what particular reasons the experience of the department has discovered for this feature of the bill. It is one of those which all Commissioners have recommended, and which I think they have well discovered by experience. Without a knowledge of the details, it is somewhat difficult for me to answer the question.

The VICE PRESIDENT. The Secretary will proceed with the reading of the substitute.

The Secretary read, as follows:

SEC. 4. *And be it further enacted*, That the salary of the Commissioner of Patents, from and after the close of the present fiscal year, shall be $4,500 per annum; and the salary of the chief clerk of the Patent Office shall be $2,500.

SEC. 5. *And be it further enacted*, That the Commissioner of Patents is authorized to restore to the respective applicants, or when not removed by them, to otherwise dispose of such of the models belonging to rejected applications as he shall not think necessary to be preserved. The same authority is also given in relation to all models accompanying applications for designs. He is further authorized to dispense in future with models of designs when the design can be sufficiently represented by a drawing.

SEC. 6. *And be it further enacted*, That the tenth section of the act approved the 3d of March, 1837, authorizing the appointment of agents for the transportation of models and specimens to the Patent Office, is hereby repealed.

SEC. 7. *And be it further enacted*, That the Commissioner is further authorized, from time to time, to appoint, in the manner already provided for by law, such an additional number of principal examiners, first assistant examiners, and second assistant examiners, as may be required to transact the current business of the office with dispatch, provided the whole number of additional examiners shall not exceed four of each class, and that the total annual expenses of the Patent Office shall not exceed the annual receipts.

SEC. 8. *And be it further enacted*, That the Commissioner may require all papers filed in the Patent Office to be correctly, legibly, and clearly written, or printed, at the cost of the parties filing such papers; and for gross misconduct he may refuse to recognize any person as a patent agent, either generally or in any particular case; but the reasons of the Commissioner for such refusal shall be duly recorded, and subject to the approval of the President of the United States.

SEC. 9. *And be it further enacted*, That no money paid as a fee on any application for a patent after the passage of this act shall be withdrawn or refunded, nor shall the fee paid on filing a caveat be considered as part of the sum required to be paid on filing a subsequent application for a patent for the same invention. That the three months' notice given to any caveator, in pursuance of the requirements of the twelfth section of the act of July 4, 1836, shall be computed from the day on which such notice is deposited in the post office at Washington, with the regular time for the transmission of the same added thereto, which time shall be indorsed on the notice; and that so much of the thirteenth section of the act of Congress, approved July 4, 1836, as authorizes the annexing to letters patent of the description and specification of additional improvements, is hereby repealed; and in all cases of additional improvements, a separate patent shall be issued.

SEC. 10. *And be it further enacted*, That all laws now in force, fixing the rates of the Patent Office fees to be paid, and discriminating between the inhabitants of the United States and those of other countries, are hereby repealed, and, in their stead, the following rates are established: On filing each caveat, ten dollars; on filing each original application for a patent, except for a design, twenty dollars; on issuing each original patent, ten dollars; on every appeal from the examiners-in-chief to the Commissioner, twenty dollars; on every application for a patent for a design, fifteen dollars; on every application for the reissue of a patent, thirty dollars; on every application for the extension of a patent, fifty dollars; and fifty dollars, in addition,

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on the granting of every extension; on filing each disclaimer, ten dollars; for certified copies of patents, and other papers, twelve cents per hundred words; for recording every assignment, agreement, power of attorney, and other papers, of three hundred words or under, one dollar; for recording every assignment, and other paper, over three hundred and under one thousand words, two dollars; for recording every assignment, or other writing, if over one thousand words, three dollars; for copies of drawings, the reasonable cost of making the same.

SEC. 11. *And be it further enacted*, That all applications for patents shall be completed and prepared for examination within two years after the filing of the petition; and in default thereof, they shall be regarded as abandoned by the parties thereto, and all cases now pending shall be treated as original cases; and all applications for the extension of patents shall be filed at least ninety days before the expiration thereof; and notice of the day set for the hearing of the case shall be published, as now required by law, for at least sixty days.

SEC. 12. *And be it further enacted*, That in all cases where an article is made or vended by any person under the protection of letters patent, it shall be the duty of such person to give sufficient notice to the public that said article is so patented, either by stamping thereon the word patented, together with the day and year the patent was granted; or when, from the character of the article patented, that may be impracticable by enveloping one or more of the said articles, and affixing a label to the package, or otherwise attaching thereto a label on which the notice, with the date, is printed; on failure of which, in any suit for the infringement of letters patent by the party failing so to label or stamp the article the right to which is infringed upon, no damage shall be recovered by the plaintiff, except on proof that the defendant was duly notified of the infringement, and continued after such notice to make or vend the article patented. And the sixth section of the act entitled "An act in addition to an act to promote the progress of the useful arts," &c., approved the 29th of August, 1842, be, and the same is hereby, repealed.

SEC. 13. *And be it further enacted*, That all acts and parts of acts heretofore passed which are inconsistent with the provisions of this act be, and the same are hereby, repealed.

The VICE PRESIDENT. When the bill was last before the Senate, the Senator from Maine [Mr. HAMLIN] submitted an amendment to the tenth section of the substitute, to insert in line four, after the word "countries," the words "which shall not discriminate against the inhabitants of the United States;" so that the clause shall read:

That all laws now in force fixing the rate of Patent Office fees to be paid, and discriminating between the inhabitants of the United States and those of other countries which shall not discriminate against the inhabitants of the United States, are hereby repealed.

The amendment was agreed to.

Mr. GRIMES. I move to strike out the third section. This is the section which requires that before an appeal shall be allowed to the examiners-in-chief, the application shall be twice rejected by the subordinate examiners. I do not see any necessity for imposing that increased expense upon the applicants.

Mr. HALE. Since the Senator from Iowa made that suggestion before, I have looked over the fee table, and I do not see that it is obnoxious to the objection he made. I do not see any fee charged for that reëxamination; and if the intention of the statute is simply to require a reëxamination by the first board, without an additional fee, it seems to me well enough to let it stand.

Mr. GRIMES. It comes up as an original application, and he has to be subjected to precisely the same expense in the second instance as he was subjected to in the first instance. Now, why is it that you will subject him to this additional expense—to the employment a second time of agents to prosecute his application before the Patent Office? I desire to say, that as I understand this bill as it has been read here, and as I have examined it, this second application comes up precisely as an original application, and the party that makes it is subjected to the same amount of expense in the second instance that he was in the first. There is that amount of money to go out of his pocket and to go into the Treasury of the Patent Office bureau. Then, in addition to that, he must necessarily be subjected to all the expense of the agent or lawyer that may be employed. This lawyer or patent agent will charge him in the second instance precisely as much as he would in the first. I presume that nineteen twentieths of all applications that will be made will be rejected in the first instance, some of them in consequence of collusion between some of the officers and the patent agents. At any rate, the bill as it is now proposed to be enacted into law will give color to imputations of that kind if it is not amended as I propose.

Then it must be known to gentlemen who are familiar with the Patent Office, that these subordinate examiners are not the most profoundly scientific men in the world, and good cases may be rejected by them; and we ought not to subject the applicants for patents, who are generally poor, but worthy men, to the loss of time and the additional expense they must incur in making a second application, in order to get their case carried up from some *ignoramus* who may be placed there as a subordinate examiner from political considerations solely, before gentlemen who have some knowledge of science and the arts.

Mr. BIGLER. It may be, sir, that the view taken of this section by the Senator from Iowa is, to some extent, reasonably founded; but the officers of this Government, in their long experience, have satisfied themselves that this measure is necessary to the proper performance of its operation. So far as the additional expense is concerned, I have never heard an objection raised to it by any inventor. No objection has been made to it from any quarter; and as I stated it, I placed this bill mainly on the fact that it had been year after year, for I believe six years, presented here by the department and urged as a measure essential to its operations. I confess, sir, that without practical knowledge of the details, it is virtually impossible to foretell how this clause might be abused, or how necessary it may be to the operations of the department. I prefer very much to rest my support of it upon the opinion of three or four Commissioners, with the most experienced men in the various details there, all of whom concur in this bill throughout. I am not willing to see the section stricken out, for I have no doubt its operations are well understood in the Department, and will be advantageous.

Mr. SIMMONS. I beg to make one suggestion to the chairman of the Committee on Patents. As I understood in committee, the probability is that an appeal will be allowed from these high commissioners, as they are called; and I understand there is to be an amendment to that effect. If that appeal be allowed it may obviate any difficulty that might otherwise result from striking out the third section, because the third section provides for two examinations before the primary examiners, with an appeal to the higher examiners. One trial before the primary examiners, and a trial before the examiners-in-chief, with an appeal to the courts, seem to me to be trials enough to subject anybody to.

Mr. HALE. And there is another before the Commissioner besides.

Mr. SIMMONS. So there are four chances.

Mr. GRIMES. Five.

Mr. SIMMONS. As the bill stands, it is five, but with this section stricken out it will be four. If a man cannot spend money enough in four such trials, I think we had better not subject him to a fifth. I think there is no necessity for a second trial before the primary examiners with the other provisions of the bill, as I understand they are to be.

Mr. JOHNSON, of Arkansas. There are but thirteen or fourteen minutes left in which to transact the morning business, and I am certain there are a great many reports to be made, and other morning business to be transacted. This bill, we were told, was to produce no debate at all, but I think it is not prosecuted in good faith, and I move its postponement. ["Let us vote."]

Mr. HALE. We will take the vote, and have no more talk.

Mr. JOHNSON, of Arkansas. I withdraw the motion if there will be no more talk; but otherwise I must insist on it.

Mr. BIGLER. Let us vote.

The VICE PRESIDENT. The question is on the motion to strike out the third section of the bill.

The question being put, on a division there were—ayes 16, noes 15; no quorum voting.

Mr. BIGLER, and Mr. JOHNSON of Arkansas, called for the yeas and nays.

The VICE PRESIDENT. By unanimous consent, the Secretary will call the roll upon the motion.

Mr. MALLORY. I think if we divide again, the Chair will find a quorum. There is a quorum, but all the Senators did not vote.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. MALLORY. I suggest that, by unanimous consent, we take another division. There is a quorum present.

Mr. JOHNSON, of Arkansas. I object.

The question being taken by yeas and nays, resulted—yeas 21, nays 22; as follows:

YEAS—Messrs. Anthony, Chandler, Clark, Crittenden, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Hamlin, Harlan, Johnson of Arkansas, Johnson of Tennessee, King, Lane, Pearce, Simmons, Ten Eyck, and Wilson—21.

NAYS—Messrs. Bigler, Bragg, Bright, Brown, Chesnut, Clingman, Davis, Fitzpatrick, Green, Gwin, Hemphill, Iverson, Latham, Mallory, Powell, Rice, Sebastian, Slidell, Thomson, Toombs, Wigfall, and Yulee—22.

So the motion was not agreed to.

Mr. HALE. There is one amendment that I desire to propose; and I wish to have the ear of the Senate for about a minute, while I state it. The second section of this bill proposes to provide for the appointment of a board of three examiners-in-chief, at an annual salary of $3,000, and assigns very important duties to them. By the bill, they are to be appointed by the Commissioner. They are to stand between the Commissioner and the other examiners, and are an independent board, and I think ought to be appointed by the President, by and with the advice and consent of the Senate. Such an amendment was intended to be moved by the Senator from Vermont, [Mr. COLLAMER,] who, on account of ill health, is obliged to retire. He has a good deal of feeling about it; and I make that motion, to strike out, in section two, lines three, four, and five, the words "in the same manner as now provided by law for the appointment of examiners," and insert: "by the President, by and with the advice and consent of the Senate."

Mr. BIGLER. I see no special objection to the amendment of the Senator from New Hampshire. There are those who have felt that this department was peculiarly independent, belonging to the people, self-reliant, they paying all the expenses themselves, and having no connection with the Treasury, or any other Department here, and that it should be kept as independent within itself as possible. Perhaps that would be the only suggestion that could be made against the amendment. For my part, I do not care how the Senate decide it.

Mr. MALLORY. I trust we shall adopt it.

The amendment was agreed to.

The VICE PRESIDENT. The Chair understands that these amendments have been made to an amendment reported by the Committee on Patents and the Patent Office; and the question now is on the amendment of the committee, as amended.

The amendment, as amended, was agreed to.

Mr. FOSTER. I should like to inquire of the chairman of the committee whether the bill on this same subject, introduced by me some time since and referred to the committee, has had the action of the committee?

Mr. BIGLER. I will state to the Senator from Connecticut that the bill which he introduced and referred to the Committee on Patents and the Patent Office was referred by myself to the Patent Office department. It received a full consideration, as he is aware. It was returned to the Committee on Patents and the Patent Office with marginal notes all through, presenting points of very conclusive objection, which I think would be entirely satisfactory to the Senator from Connecticut himself. Taking the bill aside from the objections presented by the department, it would be almost identically the bill which we have under consideration. We had that measure before the committee at a meeting yesterday morning, but there were only three present, and we took no final action upon the subject, except to mutually conclude that it would be better to pass the bill now before us.

Mr. FOSTER. The particular preference I had for that bill introduced by myself, was that it compressed in a single act, most, indeed all the acts now in force on the subject of patents and the patent laws, thus bringing what is now scattered through many acts into one. Unless, therefore, there were material objections to the bill, I hope the committee will give it favorable consideration, because it would be manifestly greatly for the advantage of applicants that all our law on this subject should be brought together in one act, simplifying thus, of course, the statutes upon the subject. If, however, there are objections to the bill in the judgment of the committee, I am not disposed, of course, to press my judgment against theirs.

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The bill was reported to the Senate, as amended.

The VICE PRESIDENT. Shall the amendment, as amended, be read at length?

Mr. BIGLER. It is not necessary, I suppose the reading of the amendment can be dispensed with.

The VICE PRESIDENT. By unanimous consent the reading will be dispensed with.

The amendment was concurred in.

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

ORDER OF BUSINESS.

Mr. BROWN. Mr. President——

The VICE PRESIDENT. The Senator from Mississippi will pause a moment. The Chair calls up the special order for this hour. The order assigned for this hour was the bill to enlarge the public grounds surrounding the Capitol, but the Indian appropriation bill, being the unfinished business of yesterday, takes precedence of it.

Mr. BROWN. I merely desire to present a petition.

Mr. HAMLIN. I hope the Senator will allow me to offer a resolution.

Mr. BROWN. I merely desire to present a petition myself.

The VICE PRESIDENT. If there be no objection, the Senator from Mississippi may introduce a petition.

Mr. JOHNSON, of Arkansas. I have a parcel of reports that I wish to present.

The VICE PRESIDENT. The business before the Senate is the unfinished business of yesterday, and it requires unanimous consent to do anything else. The morning hour was given up for other business.

Mr. HUNTER. I insist that the unfinished business shall be taken up.

The VICE PRESIDENT. The Senator from Mississippi asks leave to introduce a petition.

Mr. HUNTER. I cannot agree to it.

Mr. BRIGHT. I move to postpone the unfinished business of yesterday, with a view of taking up the bill to enlarge the public grounds surrounding the Capitol. There is a necessity for passing the bill at once, if we intend passing it this session. It was made a special order about a week since, with the understanding that to-day was to be appropriated to the consideration of the bill. Now my friend from Virginia interposed his Indian appropriation bill yesterday in my absence, which I very much regret. I hope he will consent to let it rest until we pass the bill I mention. I think it will take but a short time to dispose of it.

Mr. HUNTER. I hope the Senate will not consent to that. The next week is crowded with special orders. There is one for Monday, and another on Tuesday, and I do not know when we shall get up the appropriation bill if we do not take it up to-day. I hope the Senate will not consent to postpone it.

Mr. CRITTENDEN. I want to say one word on this subject. I shall vote to postpone everything, at all times, to take up the appropriation bills, and act upon them; and as soon as they are disposed of, I will vote then, day by day, for the final adjournment of Congress. That is my plan of operation for the balance of the session; and I will at all times vote with the chairman of the Committee on Finance to take up his bills, and give them a preference over everything.

Mr. BRIGHT. There is no danger and no difficulty about the appropriation bills. They will be passed as usual. There is a necessity for passing this bill now, if we intend passing it at all; and I shall regard this as a test vote as to whether it is the sense of the Senate to enlarge the public grounds during the present session of Congress. With that view I ask for the yeas and nays upon the motion I make.

The yeas and nays were ordered.

Mr. DOOLITTLE. I suggest to the Senator from Indiana, instead of moving a postponement generally, to change his motion and postpone it half an hour or one hour. The bill can be disposed of in that time.

Mr. FESSENDEN. I hope not. I agree in opinion with the chairman of the Committee on Finance, and the Senator from Kentucky, that it is better to take up the appropriation bills and finish them. If they lie along in this way we shall never get through with them, and never dispose of anything else. The bill to which the Senator from Indiana refers can wait just as well as a great many other questions that are before the Senate.

The question being taken by yeas and nays, resulted—yeas 10, nays 30; as follows:

YEAS—Messrs. Bright, Brown, Davis, Doolittle, Foot, Kennedy, Rice, Simmons, Thomson, and Yulee—10.

NAYS—Messrs. Anthony, Bragg, Chandler, Clark, Clingman, Crittenden, Dixon, Fessenden, Fitzpatrick, Foster, Green, Grimes, Gwin, Hale, Hamlin, Harlan, Hemphill, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Latham, Nicholson, Pearce, Powell, Sebastian, Slidell, Toombs, Wade, and Wilson—30.

So the motion was not agreed to.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 215) making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1861, the pending question being on the amendment of Mr. LATHAM, to insert, after line nine hundred and twenty-five, the following:

Provided, That in the event the State of California will, by an act of its Legislature, agree to take charge of and maintain within the State the Indians now within her jurisdiction, to the satisfaction of the President, and relieve the United States from all liability or responsibility connected with the same for the period of twenty years, the sum of $50,000 is hereby appropriated annually; and the Secretary of the Interior is authorized to draw on the United States Treasury in favor of the State treasurer of California for that sum, and to authorize the agents of the State of California to take possession of the reservations and Government property thereon: *Provided*, The property of the United States is to be held only in trust by the State of California for the use of the Indians: *Provided also*, The President reserves the right to take control of said Indians, and terminate the above appropriations, if the State of California does not take care of and maintain said Indians, or the Governor of California does not annually report to the Secretary of the Interior all matters relating to their condition.

Mr. LATHAM. I ask leave to substitute this proposition for the amendment I offered before. It is merely changing the wording. It is the same in substance.

The VICE PRESIDENT. The Senator from California can withdraw the other amendment and offer the one he now presents.

Mr. LATHAM. Yes, sir, I will withdraw that, and offer this amendment: to insert, after line nine hundred twenty-five on page 38, the following:

Provided, That in the event the State of California will, by an act of its Legislature, agree to take charge of and maintain within the State the Indians now within her jurisdiction, to the satisfaction of the President, and relieve the United States from all liability or responsibility connected with the same for the period of twenty years, the sum of $50,000 is hereby appropriated annually; and the Secretary of the Interior is authorized to draw on the United States Treasury in favor of the State treasurer of California for that sum, and to authorize the agents of the State of California to take possession of the reservations and Government property thereon: *Provided*, The property of the United States is to be held only in trust by the State of California for the use of the Indians: *Provided also*, The President reserves the right to take control of said Indians and Government property, and terminate the above appropriations, if the State of California does not take care of and maintain said Indians, or the Governor of California does not annually report to the Secretary of the Interior all matters relating to their condition.

Mr. HUNTER. Mr. President, I should be very glad to adopt the policy of remitting the Indians, who have for the most part lost their tribal character, to the State of California. Indeed, if she insists on it, I believe it is her right; but I am unwilling to make the transfer in such a form that she is to expend appropriations made by the United States. As that amendment stands, we are to appropriate $50,000 a year to be used by the State of California. She, in other words, is to be the agent of the Federal Government. Now, sir, I do not believe in that sort of agency. I believe that she is entitled to the custody and charge of the Indians. Indeed, I think there are grave doubts in regard to the constitutionality of the original scheme by which we undertook to assume jurisdiction over Indians who had lost their tribal character; but having done so, if we are to pay the cost, then it ought to be expended through our agents. I would be very glad to remit them to California, and to give up to them all the reservations. Whatever property the United States has in them, I would be very glad to cede to the State of California, upon condition that she would take the Indians; but if we are to pay for their support, I think we ought to have a supervisory power over it. I cannot, therefore, agree to the amendment in that shape. If the Senator will strike out that part which requires us to pay $50,000 a year, I will vote for the amendment with pleasure.

Mr. LATHAM. Mr. President, I cannot consent to that. As long as the Government is willing, as it has been, to provide for the support of these Indians, of course I am unwilling that California shall take their charge at her own cost. My object in this matter, as I stated when I introduced my amendment originally, was simply to devise some means by which those Indians could be taken care of more economically. When my colleague and myself ask for appropriations to carry out the policy and objects of the Government in the management of the Indians, we do not get them, and we are continually met with the statement that we are too extravagant in our demands upon the public Treasury.

The Senator from Virginia has very correctly stated the difficulty connected with this subject; and that is, that California is so remote from the capital of our Government that you cannot control the Indians there without going to a greater outlay than Congress will submit to. You have your agents there, as I stated upon a former occasion, to the Senate, who are responsible alone to authority *here*. Their reports have to come here, taking nearly a month; and after they get here, they lay in the Department for two, three, and four months unacted upon. In the mean time, if there are any extravagances going on, there is no power to cut them off. Why, sir, I called the other day, by a resolution, for a report made by the superintendent of Indian affairs and the special agent of the Government in California, in reference to its reservations in that State, which has been lying in the Department for nearly six months unacted upon; and that report, if Senators would read it, will show a most deplorable state of affairs, so far as the reservations and the management of the Indians in California are concerned. Now, sir, if the State of California had charge of these Indians, what would be done? The Legislature would have appointed committees to go to the reservations and see that the Indians were provided for; that their wants were attended to, and that they were gathered together. If there was any inefficiency on the part of the officers, the Governor of the State would remove them.

The Senator from Iowa [Mr. GRIMES] suggested, the other day, that this was a new policy; that it was "farming out" the Indians. Sir, you are farming them out to-day. The only difference is, that you are farming them out to private individuals at twice as much cost as if you were to farm them out to the State of California, who would take care of them, while the report on your table shows that you farm them out to private individuals who do not take care of them. They get their monthly stipend; and then their duty, in a great degree, is discharged.

I do not propose to dwell upon this matter. It is an important if not a vital project to California. I am probably unauthorized in saying that the State of California will accept of this proposition. I believe she would do so, because the people throughout the State, who are annoyed and troubled so much by these Indians, would instruct their representatives in the Legislature to accept the proposition and devise some means by which the State itself could be relieved from the disgrace of what are called "massacres," and also that they might be relieved from the presence of these Indians, by gathering them upon reservations, as they should be. This is not a new project, for it has been discussed in California, and, as I said before, the Indians of California occupy a different relation to the Government from those of any other State in the Union. They have no lands there; you make no treaties with them; it is a mere matter of humanity for the Government to take care of them as its wards.

If I fail in this, then I have another amendment, which I intend to offer, from the Committee on Indian Affairs, that was suggested by the report of the Department of the Interior, and which may probably be more acceptable to the Senate.

Mr. CRITTENDEN. The management of the Indians, and our tutelage over them, is a subject which, I think, ought to have attracted much more of the attention of the Congress of the United States than it has done. There is a great office of

THE CONGRESSIONAL GLOBE:

cV. 30, pt. 1

CONTAINING

THE DEBATES AND PROCEEDINGS

OF THE

SECOND SESSION OF THE THIRTY-SIXTH CONGRESS:

ALSO, OF THE

SPECIAL SESSION OF THE SENATE.

BY JOHN C. RIVES.

CITY OF WASHINGTON:
PRINTED AT THE CONGRESSIONAL GLOBE OFFICE.
1861.

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masked under the plea of enforcing the laws. There is no gentleman upon this floor who does not know this to be the purpose of this bill. Knowing this, I am resolved to resist every such measure. Coercion in any form, against States asserting by their highest acts of sovereignty the right of revolution, shall never be inaugurated by my vote, especially when I know that the inauguration of that policy will be the death-knell of the Union. Kentucky will resist this policy of coercion; and when you press these issues to a hostile act, by armed invasion or otherwise, the cause of the South will be a common cause. This Union can never be maintained or reconstructed by force. It was not formed by force. The ligaments that bind it together are its justice, equality, and fraternity. These are the pillars of its strength. Its protection the citizen will repay by his loyalty. Deny this, and he will despise and resist your Government. Protection is the price of allegiance to every Government; and the Government that denies the first and demands the last is a sham and a cheat. I vote "no."

Mr. CAMPBELL stated that Mr. HICKMAN was detained from the House by indisposition.

Mr. WEBSTER (who was not within the bar when his name was called) asked leave to vote.

Mr. STEVENS, of Pennsylvania, objected.

Mr. WEBSTER stated that he should have voted "ay."

Mr. FARNSWORTH stated that, if he had been within the bar when his name was called, he should have voted "ay."

Mr. BOTELER stated that, if he had been within the bar when his name was called, he should have voted "no."

Mr. BROWN said: Recognizing the independence of the States that have seceded—and to them this bill is chiefly intended to apply—and believing that, having seceded, they have no further claim upon the bounty of this Government, I vote "ay."

Mr. FLORENCE said: I may have misapprehended the purposes and intent of this bill, and I do not desire to be placed in a false position. I regarded it as special and local in its character; but I may be mistaken; and I therefore change my vote, and vote "ay." [Laughter.]

Mr. McCLERNAND said: Believing, sir, that the Government is under no moral or legal obligation to carry the mails where they are or may be habitually subjected to espionage and violation, and that its dignity, equally with its interests, demands that it should not do so, I vote for the bill.

The result of the vote having been announced as above recorded,

Mr. COLFAX moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

PATENTS.

Mr. NIBLACK. I ask permission of the House to call up Senate bill No. 10, a bill in addition to "An act to promote the progress of the useful arts."

Mr. FENTON. What is the regular order of business?

The SPEAKER. This bill was postponed last session as an unfinished report of the Committee on Patents; and the Chair supposes the gentleman has a right to call it up.

Mr. NIBLACK. Let the bill be read, and then a brief explanation will suffice.

The bill was read.

Mr. NIBLACK. If the House will indulge me, I will make a brief statement in relation to this bill, which will put the House in possession of the points. This is a Senate bill. It passed the Senate unanimously at the last session of the present Congress. The Committee on Patents in the Senate gave it a great deal of attention, and the bill was regarded as a good one by the Committee on Patents in the House, so far as it went. The bill came to this House, and was referred to the Committee on Patents. There some amendments were suggested. That committee gave it a good deal of attention, and reported it back, with the several amendments that have been read this morning.

By a vote of the House heretofore, the bill was postponed till the 12th of December, in the present session. Previous to that time, the attention of the Committee on Patents in the House had been called to some further amendments; and therefore the committee let the time pass without calling it up. Since then we have taken up these amendments in an informal manner, without having the bill recommitted to us. They have instructed me this morning to report some additional amendments. Some of these are merely of a verbal character, such as we think are requisite to make sections of the bill more intelligible. Some of them will have, we think, the effect of retrenching the expenditures of the Government under this bill.

In addition to these verbal amendments, we propose three or four additional sections. These amendments I will send up to the Clerk's desk, and ask that they be read; and if any explanation of them is desired, I shall be happy to give it.

The first section of this bill is highly important, and has been urged on the attention of Congress for the last seven years; but while it has sometimes passed one House and sometimes the other, it never passed both Houses at the same Congress, and has consequently never become a law. It is designed to remedy what has been always acknowledged to be a defect in the laws organizing the Patent Office. Under the present system there is no process by which an applicant for a patent can compel the attendance of witnesses before any officer, in order to have testimony taken. The applicant has to hire his witnesses at whatever price they may charge, and he can only procure the testimony of such witnesses as are willing to appear voluntarily before an officer. The first section of the bill remedies this defect, and authorizes subpœnas to be issued, compelling the attendance of witnesses as in other cases, and punishing them for non-attendance. This is manifestly and in every point of view proper.

The other sections of the bill merely change details and adjust the machinery of the office to the present exigencies of the public service. It is not necessary to explain all the sections of the bill in detail, for its reading shows they are proper, and that there is nothing objectionable in them. We reported amendments at the last session in regard to designs, which are of some importance. Under the present law, patents are issued for designs of all classes for seven years; and under the laws for the extension of patents, the patentees are not entitled to an extension. This does not work well. There is a manifest difference between various species of inventions of this sort. For instance: there are certain kinds of designs in ornamental iron work that are permanent in their character, for which a protection of seven years is too short. On the contrary, we have a class of designs, such as wall-paper, &c., for which seven years is unnecessarily long. We have reported an amendment which gives the applicant for a patent for a design the option whether he shall take it for fourteen years, for seven years, or for three and a half years, and scales the prices accordingly.

After giving the subject a good deal of consideration, we have come to the conclusion that, as a matter of public policy, as well as of justice to inventors, the amendments ought to be adopted. We hope the House will adopt them.

Mr. SIMMS. I ask the gentleman from Indiana, whether this bill reduces the fees which the Government now receives from patentees?

Mr. KILGORE. I ask the Speaker whether the morning hour has not expired?

The SPEAKER. It has. This bill will come up in order to-morrow.

Mr. SIMMS. I would like to make a suggestion to the gentleman. I know of an instance in my own State of an inventor whose whole life has been absorbed in the improvement of a horse-shoe for war-horses. He is a very poor man, and there are many other inventors like him. I should like this bill to apply to all such cases.

DESTITUTION IN KANSAS.

Mr. CASE. I ask unanimous consent to introduce a bill for reference. It is one which will have to go to the Committee of the Whole on the state of the Union and be considered there, as it makes an appropriation. It is a bill which I was instructed to report by the Committee on Territories a long time ago; but when the day arrived for that committee to report, I was absent on business of the House at New York, and I have not had an opportunity since to report it.

The bill was read by its title as a bill for the relief of sufferers by drought and famine in Kansas.

Mr. BURNETT. I must object to that bill. I do not believe that Congress has authority to make any such appropriation.

Mr. CASE. Then, I desire it to be understood that on Monday next I will move to suspend the rules so as to introduce this bill.

CRITTENDEN PROPOSITIONS.

Mr. FLORENCE. I desire to present a memorial from two thousand citizens of Philadelphia who voted for Abraham Lincoln, asking that the compromise measures proposed by Senator CRITTENDEN be agreed to, with the amendments suggested by Senator BIGLER.

Objection was made.

Mr. FLORENCE. The memorial is signed by two thousand men who voted for Abraham Lincoln. I trust gentlemen will not object to their own political friends petitioning Congress.

Objection was withdrawn, and the memorial was received and laid on the table.

Mr. MORRIS, of Pennsylvania. I ask leave also to present six memorials from the city of Philadelphia in favor of the Union, the Constitution, and the enforcement of the laws; and ask that they be laid on the table.

It was so ordered.

Mr. McCLERNAND. I ask leave to present a copy of the proceedings of a public Union meeting in regard to the political crisis, held at Newbern, Illinois; and ask that they be laid on the table.

It was so ordered.

STATE OF THE UNION.

The SPEAKER stated that the morning hour had expired, and that the House would now proceed to the consideration of the special order, being the report of the special committee of thirty-three on the disturbed condition of the country, on which the gentleman from New York [Mr. HUMPHREY] was entitled to the floor.

Messrs. HUMPHREY, and HARRIS of Virginia, addressed the House. [Their speeches will be published in the Appendix.]

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by A. J. GLOSSBRENNER, his Private Secretary, notifying the House that he has approved and signed bills of the following titles:

An act (H. R. No. 870) for the benefit of Gabriel J. Johnston;

An act (H. R. No. 670) granting an increase of pension to William G. Bernard, late a soldier in the United States Army; and

An act (H. R. No. 919) for the relief of F. M. Beauchamp and Betsy J. Townsend.

MESSAGE FROM THE SENATE.

A message was received from the Senate by Mr. HICKEY, their Chief Clerk, notifying the House that the Senate insist on their amendments disagreed to by the House, and disagree to the amendments of the House to the bill to supply deficiencies in the appropriations for the service of the year ending June 30, 1861, ask for a conference thereon, and have appointed Messrs. GREEN, FESSENDEN, and HARLAN as managers in said conference on their part.

Also, that the Senate have passed a bill providing a temporary government for the Territory of Colorado; in which he was directed to ask the concurrence of the House.

Mr. MAYNARD obtained the floor.

The House (at four o'clock, p. m.) took a recess till seven o'clock.

EVENING SESSION.

The House reassembled at seven o'clock, p. m., (Mr. HARRIS, of Maryland, in the chair.)

PRESENTATION OF A MEMORIAL.

Mr. McPHERSON, by unanimous consent, presented the memorial of citizens of Adams county, Pennsylvania, in favor of the adoption by Congress of some plan of compromise of the present national difficulties.

STATE OF THE UNION.

The House resumed the consideration of the

ator from Pennsylvania can pass that bill without debate; and when I simply ask, for one, that a bill which proposes to tax by the lineal foot and the square foot and the cubic foot, and every other imaginable contrivance, shall lie over long enough for us to understand what is the amount and rate of taxation put upon property, it seems to me an appeal that ought to be regarded. I hope, therefore, that the Senator from Maine will get up the appropriation bill; and, for my part, as soon as I can, I shall prepare myself to take part against this other bill, or at least against the general principles of the tariff.

Mr. SIMMONS. I wish merely to make one suggestion. The Senator from Ohio says that this bill is suddenly thrust upon him. It was before the Senate a good part of last session. Every one has had all summer to read it, if they choose to read it and understand it. It was postponed until the first Monday of December of this session. It has been before the Committee on Finance five or six weeks, and then it was referred to the select committee. Now I agreed to postpone the bill until to-morrow at one o'clock, in order that the naval appropriation bill might be taken up to-night. I have not proposed to interfere with the Navy bill; but I cannot make a motion here about a bill, but what somebody opposed to the bill wants to find out how to make a speech against it before it will come up.

Mr. PUGH. I want to find out what the bill is. I want to find out what property is to be taxed. I can understand taxing property according to its value. We put that in a territorial bill the other day; but taxing by the square inch I do not understand.

Mr. SIMMONS. This bill has been reported over a year. I hope the question will be taken.

Mr. CAMERON. Let us have the question.

The PRESIDING OFFICER. The Chair will beg leave to suggest to the Senator from Pennsylvania that as soon as it is proper, that is, when debate ceases, the Chair will put the question.

Mr. LATHAM. I move that the Senate adjourn. It is very evident there is not a quorum present.

The question being put, there were, on a division—ayes 4, noes 20.

The PRESIDING OFFICER. The Senate refuses to adjourn; but there is no quorum present.

Mr. FESSENDEN. I will suggest that it is perfectly useless for us to waste our strength in disputing about this thing. There is no quorum here, and no quorum can be got here. We can take up no bill to-night if a division is called for.

Mr. SIMMONS. I withdraw the motion.

Mr. FESSENDEN. Then I move to take up the Navy bill.

Mr. BIGLER. I hope not. There is not a quorum present. Let us adjourn.

The PRESIDING OFFICER. No motion can be entertained in the present condition of the Senate, except to adjourn.

Mr. POWELL. I move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 7, 1861.*

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. THOMAS H. STOCKTON.

The Journal of yesterday was read and approved.

CLAIMS UNDER SIOUX TREATY.

The SPEAKER, by unanimous consent, laid before the House a communication from the acting Secretary of the Interior, inclosing papers relative to certain claims under the Sioux treaty, in response to a resolution of the House of Representatives of December 24, 1860; which was referred to the Committee on Indian Affairs, and ordered to be printed.

STATE OF THE UNION.

Mr. MILLWARD presented sundry petitions from citizens of Philadelphia, in favor of the Union, the Constitution as it is, and the enforcement of the laws; which were laid upon the table.

Mr. SPAULDING presented a petition from sundry citizens of New York, in favor of the Crittenden propositions; which was laid upon the table.

TERRITORY OF COLORADO.

Mr. GROW. I ask the consent of the House that the bill from the Senate organizing the Territory of Colorado be printed.

There being no objection, it was so ordered.

Mr. NIBLACK. I call for the regular order of business.

PATENTS.

The House proceeded to the regular order of business, being the consideration of Senate bill (No. 10) in addition to "An act to promote the progress of the useful arts."

Mr. NIBLACK. I think I said sufficient yesterday to explain the bill and the amendments as reported at the last session. I now call for the reading of the amendments which I submitted yesterday.

The amendments were read.

Mr. PHELPS. I have only had a short time to examine the bill now pending; but I discover that there is a proposition in it to increase the salary of the Commissioner of Patents from $3,000 to $4,500. The same reasons which would call for an increase of the salary of this bureau officer would compel us to increase the salaries of all the other bureau officers under the Government of the United States. I doubt not that the duties of this officer are very onerous and arduous in their character; but they are not more so than those which devolve upon the accounting officers of the Treasury Department, through whose officers all the accounts of the expenditures of the Government must necessarily pass. I cannot, therefore, sanction the bill with that provision in it. I also find that there is a proposition to add to the number of examiners and first and second assistants twelve officers.

Mr. HOARD. We propose to strike that out.

Mr. PHELPS. Well; sir, I desire to enter my protest against this increase of the salary of the Commissioner of Patents; for if you increase his salary, you ought in justice and equity to increase the salaries of all the other bureau officers.

Mr. NIBLACK. Mr. Speaker, the objections made by the gentleman from Missouri were duly considered by the Committee on Patents; and after giving a careful consideration to the subject, it was agreed by the committees of both Houses that an increase of the salary of the Commissioner of Patents was in every way desirable and proper. This officer does not stand upon the same footing as other heads of bureaus. The Patent Office is a self-sustaining institution, and is no tax upon the Government. Again, it requires the service of a gentleman of peculiar qualifications to discharge the duties of this office satisfactorily and well. At the present salary, the office of Commissioner of Patents is literally going a begging. You cannot get any gentleman to hold the office for any great length of time. Now, inasmuch as the office pays its own expenses, we think it to the interest of inventors, as well as to the public service, that we should pay a salary which will command the services of the very best man for such a place, and also to place him in a position, so far as pay is concerned, which will make him willing to occupy the position permanently.

There is a general provision which must have escaped the attention of the gentleman from Missouri. That is, that in no event shall the expenses of the office exceed its receipts; and in no event can it be a tax upon the Government. If, therefore, it be for the interest of inventors and of the country generally, that these officers shall receive higher salaries, it cannot be an objection that it would be a tax upon the Treasury. Nor does the objection in regard to the salaries of other bureau officers apply to this; because they are paid out of the Treasury of the United States differently from the manner in which these officers are paid.

Mr. PORTER. Will the receipts be adequate to pay these increased salaries?

Mr. NIBLACK. So far as our information goes, they will be sufficient, and will leave a surplus besides, if the business of the office does not diminish from what it has been several years past.

Mr. PORTER. Is there any provision made in the bill for a deficiency?

Mr. NIBLACK. There is not. There is at present a large surplus in the Patent Office, held there for general purposes. The Patent Office has never been a tax on the Treasury of the United States; and we provide that it never shall be. Inasmuch as there is already a surplus to pay increased salaries, the Committee on Patents think it right and proper that a portion of it, at least, shall be expended in this way. So far as the librarian is concerned, we propose to increase his salary from $1,600 to $1,800 a year. The office of librarian is, perhaps, the third most important office in the bureau, coming after those of the Commissioner and chief clerk. His duties have been greatly increased during the last three years. He is required not only to be acquainted with modern languages, but to give translations of any documents called for by the examiner. He has also charge, by recent arrangement, of the copyright business. This has increased his duties; and we think there should be a corresponding increase of salary.

This salary question and the last amendment are, we think, the only propositions that are likely to excite discussion or opposition. The last section is one of some importance. It proposes to limit hereafter the extension of patents, and is intended to cut off an extension of those mammoth patents that have been extended in times past. I am not myself prepared to say that the policy of the section is clear; but a majority of the Committee on Patents, after giving the subject full consideration, have come to the conclusion that there ought to be some limit to this extension of patents, and have instructed me to report the section. It provides that no patent shall be extended hereafter when the net profits of the invention shall equal or exceed $100,000. If there be any serious objection to that section of the bill, and if it be desired to have a separate vote upon it, I have no objection.

Mr. STANTON. Will the gentleman from Indiana tell me how much this increase of salaries amounts to?

Mr. NIBLACK. The bill increases the salary of the Commissioner from $3,000 to $4,500 a year, that of the chief clerk from $2,000 to $2,500 a year, and that of the librarian from $1,600 to $1,800 a year. That is all.

Mr. STANTON. I hope that a separate vote may be taken on the increase of salaries. I think the bill is a very valuable one, and one which ought to be passed. But I do not want to have it mixed up with an increase of salaries. I am opposed to that entirely. I do not want salaries increased; and I hope the committee will not embarrass the general law regulating the Patent Office with a question about salaries. Let that go into some other bill.

Mr. NIBLACK. There is a difficulty about that. The provision for the increase of the salaries of the Commissioner and chief clerk is contained in the bill as it passed the Senate. The proposition for the increase of the librarian's salary is an amendment reported from the Committee on Patents. We cannot, therefore, strike out the proposition relating to the salaries of the Commissioner and chief clerk without interfering with the original bill.

Mr. CAREY. What salary does the Commissioner get now?

Mr. NIBLACK. Three thousand dollars; and the office is going a-begging. There is no regular occupant of it; but it is handed about from one to another.

Mr. CAREY. I believe that Government salaries are generally much higher than they ought to be; and, as one of the Republicans of the House, I protest, at the advent of a new Administration, against raising the compensation of officers.

Mr. COX. One word in relation to my colleague's remark about salaries. If my colleague will send for this bill, and examine it, he will see that there are additional duties to be performed; and, of course, the salaries ought to be increased. As to the salary of the Commissioner of Patents, every gentleman in this House knows the responsibility attaching to that office. We know, from developments made in the public press about this McCormick patent, of the responsibility attached to the office, and which every farmer in the United States affixes to it. We know that a man ought to be paid in proportion to the responsibility and trust he assumes. I believe that no man who is fit for that office can be had, unless the salary be increased. We had a distinguished gentleman from Iowa—Mr. Mason—in the office; but he left because the salary was inadequate. He could make double, or perhaps treble the salary by attending to his business, as patent agent. As to the salary of the chief clerk, I know noth-

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ing; but I know something of the duties connected with the office.

Mr. NIBLACK. As far as the chief clerk is concerned, I beg to say that he is required to give bonds; and heavy responsibilities are imposed upon him under existing law.

Mr. COX. I shall take the action of the Committee on Patents, who I know have examined this bill carefully. I think the bill ought not to go by the board for the sake of a little economy. It would look too much like the savings of candle ends and cheese parings. The librarian has to perform more duties than are apparent. He is not simply the custodian of books. He has to read proof of the Patent Office report—a long, tedious labor. He has to translate from the modern, sometimes from the ancient, languages. He has to examine all the patent office reports of foreign countries whenever he is called upon to do so by the examiners. This requires great erudition, great patience. The librarian must be a fine linguist, to perform his duty properly. He has also charge of the interchange of national books between Europe and this country. He has, moreover, I believe, the indexing of the Patent Office reports, and other reports connected with the office. Besides these duties, he must give his regular attendance, day by day, at the Patent Office; and I know we are paying other clerks more than $1,800 for services nothing like so important as those of the librarian of the Patent Office.

Mr. CAREY. I hear precisely the same arguments always used whenever it is proposed to raise salaries. Nine tenths of the heads of bureaus of this Government leave almost their entire business to be done by a clerk, and their own duty is nothing more than mere supervision. Yet you continue to raise the compensation because the business increases, but you also increase the number of clerks to three or four times the increase of business. I know that in the last month a great many more clerks have been employed in the Patent Office than there has been employment for; I have this from the head of the department. Yet we are talking about raising the compensation of officers at a time when the Government is lying at the mercy of stock-jobbers. Members talk very differently here about raising the salaries of officers from the speeches they make on the stump, before their constituents. I want it to be understood that I advocate the same principles and measures here that I do to my own people. In my judgment, the troubles of the country at this very day arise, to a very great extent, from the struggles for office, in consequence of there being so much money in them. I protest against advancing the pay of any officer one dollar.

Mr. NIBLACK. I will say to the gentleman that the increase of salary is to come from the Patent Office fund, and that not a dollar will come out of the Treasury.

Mr. CAREY. It makes not a bit of difference from what fund it comes, the Government will have to pay it.

Mr. NIBLACK. I call for the previous question on the bill and amendments.

The previous question was seconded, and the main question ordered to be put.

The SPEAKER stated the first question to be on the amendment offered by the gentleman from Indiana, [Mr. NIBLACK.]

Mr. PHELPS. Will the gentleman permit me to offer an amendment?

Mr. NIBLACK. I cannot jeopard the bill by yielding for further amendment.

Mr. PHELPS. I desire to inquire, then, if the gentleman from Ohio did not offer an amendment to strike out the provision for increasing salaries?

Mr. STANTON. I was not aware that it would then be in order to offer an amendment. I desire that such an amendment shall be adopted.

Mr. NIBLACK's amendment was agreed to.

The first amendment of the Committee on Patents was read, as follows:

Strike out of section ten [which fixes the fees on application for patents, &c.] as follows:

"On every application for a patent for a design, fifteen dollars."

Mr. STANTON. For the purpose of enabling me to move to strike out the provision which increases the salaries of officers, I will move to reconsider the vote by which the main question was ordered. I hope the House will put the bill in a position where it can be amended.

The SPEAKER. The gentleman from Ohio will remember that the order of the House for the main question has been only partially executed; until it has been fully executed the motion would not be in order, as the Chair supposes.

Mr. STANTON. I suppose it would be of no use to make the motion after the order has been fully executed.

The amendment was agreed to

The second amendment of the committee was read, as follows:

Add as a separate section, as follows:

SEC. 2. *And be it further enacted*, That any citizen or citizens, or alien or aliens, having resided one year in the United States, and taken the oath of his or their intention to become a citizen, who, by his, her, or their own industry, genius, efforts, and expense, may have invented or produced any new and original design for a manufacture, whether of metal or other material or materials, or any new and original design for the printing of woolen, silk, cotton, or other fabrics, or any new and original design for a bust, statue, or bas relief, or composition in alto or basso relievo, or any new and original impression or ornament, or to be placed on any article of manufacture, the same being formed in marble or other material, or any new and useful pattern, or print, or picture, to be either worked into or worked on, or printed, or painted, or cast, or otherwise fixed on, any article of manufacture, or any new and original shape or configuration of any article of manufacture, not known or used by others before his, her, or their invention or production thereof, and prior to the time of his, her, or their application for a patent therefor, and who shall desire to obtain an exclusive property or right therein to make, use, and sell, and vend the same, or copies of the same, to others, by them to be made, used, and sold, may make application, in writing, to the Commissioner of Patents, expressing such desire; and the Commissioner, on due proceedings had, may grant a patent therefor, as in the case now of application for a patent, for the term of three and one half years, or for the term of seven years, or for the term of fourteen years, as the said applicant may elect in his application: *Provided*, That the fee to be paid in such application shall be, for the term of three years and six months ten dollars, for seven years fifteen dollars, and for fourteen years thirty dollars: *And provided*, That the patentees of designs under this act shall be entitled to the extension of their respective patents, for the term of seven years from the day on which said patents shall expire, upon the same terms and restrictions as are now provided for the extension of letters patent.

The amendment was adopted.

The bill, as amended, was ordered to a third reading; and it was accordingly read the third time.

Mr. PHELPS. As this bill provides for an increase of salary to a considerable extent, I will move to lay it on the table. I have no hope that the motion will be agreed to. But this is the only way I can make appear my opposition to this feature of the bill.

The motion was not agreed to.

The bill was then passed.

Mr. COX moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

REVOLUTIONARY CLAIMS.

Mr. CURTIS. Is it in order at this time to move to take up the Pacific railroad bill?

The SPEAKER. Only by unanimous consent.

Mr. FENTON. I call for the regular order of business.

The SPEAKER. The regular order of business is the reception of reports of committees, commencing with the Committee on Revolutionary Pensions.

Mr. FENTON. I am instructed by the Committee on Revolutionary Claims to introduce a bill to provide for the settlement of the claims of the officers and soldiers of the revolutionary army, and of the widows and children of those who died in the service.

The bill received its first and second reading.

Mr. FENTON. I call for the previous question on the engrossment and third reading of the bill.

The bill was read. It is as follows:

Be it enacted, &c., That the officers of the army of the Revolution who were entitled to half pay for life, under the resolutions of Congress of the 3d and 21st of October, 1780, the 17th of January, 1781, the 8th of May, 1781, the 21st of December, 1781, and the 8th of March, 1783, shall be entitled to receive the same, although such officer may have received in lieu thereof, by certificates or otherwise, the commutation of full pay for five years under the resolution of the 22d of March, 1783.

SEC. 2. *And be it further enacted*, That it shall be the duty of the proper accounting officer of the Treasury, when applied to for that purpose by any person claiming the benefits of this act, or his or her guardian, to ascertain what is due to such person from the time the officer by whom, or under whom, such claim is made, became entitled to said half pay until the day of his death.

SEC. 3. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury, when the amount due to any officer has been ascertained as aforesaid, to pay the same as hereinafter directed, after deducting therefrom the amount received for commutation under any special act of Congress, or under the resolution of the 22d of March, 1783, and all sums received by such officer as pay under the act of May 15, 1828.

SEC. 4. *And be it further enacted*, That the benefit of the resolution of the 24th of August, 1780, shall be extended to the widows and lineal descendants of all officers embraced therein who died in the service at any period during the war of the Revolution.

SEC. 5. *And be it further enacted*, That the benefits and provisions of the act of Congress entitled "An act in addition to certain acts granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved March 3, 1855, and the amendment thereto of May 14, 1856, shall be, and the same are hereby, extended to the surviving child or children of the persons named in said acts, who served in the war of the Revolution in the manner therein specified, and who did not desert or were not dishonorably discharged from the service; and such surviving child or children shall be entitled to receive from the Department of the Interior a warrant for one hundred and sixty acres of land; and if there be surviving more than one child of said deceased parents, each of said surviving children shall be entitled to receive a warrant for eighty instead of one hundred and sixty acres of land, whether they may be over or under twenty-one years of age: *Provided*, That in no case shall any such certificate or warrant be issued to any party claiming the same by virtue of this act, unless the service rendered shall have been or may be established by record evidence, or in the manner provided in the second section of said act of May 14, nor shall this fifth section extend to any party provided for by the first section of this act.

SEC. 6. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury, under the direction and with the approbation of the President of the United States, to prescribe such rules of evidence as may be necessary to carry into effect the provisions of this act, according to its true intent and meaning.

SEC. 7. *And be it further enacted*, That all payments made by authority of this act shall be without interest.

SEC. 8. *And be it further enacted*, That, in every case, the said accounting officer, before he shall order any claim to be paid, shall require satisfactory proof that the person or persons in whose name the same may be presented is or are the *bona fide* owner or owners thereof, and that the claim has not been sold, transferred, or mortgaged, or any part thereof, to any person or persons whomsoever; and all sales, transfers, mortgages, or pledges of any such claims are hereby declared void and of no effect whatsoever.

SEC. 9. *And be it further enacted*, That surgeons' mates shall be entitled to the benefit of the resolution of the 17th of January, 1781, and receive the same pay as hospital physicians and surgeons.

SEC. 10. *And be it further enacted*, That all persons who apply for and receive the benefit of this act, shall receive the same in full satisfaction of all claims under any of the resolutions of Congress hereinbefore recited, and for all losses alleged to have been sustained by depreciation in the value of the certificates received as commutation under the resolution of Congress of the 22d of March, 1783.

SEC. 11. *And be it further enacted*, That all claims which shall be allowed under the first section of this act shall be paid to the officer, if alive, and if he be dead, to his child or children equally, the issue of any deceased child taking among them the share of their deceased parents; and if there be no lineal descendant, then to the next of kin of such deceased officer.

SEC. 12. *And be it further enacted*, That the Secretary of the Treasury, instead of paying directly to the parties, as provided in section eleven, may, in his discretion, and under such rules and regulations as he shall prescribe, pay the claims allowed under this act to an administrator, executor, or curator of such deceased officer, for the sole and exclusive benefit of his child or children, or their descendants, or next of kin, to be distributed among them according to the provisions of section eleven of this act; and the same shall not be considered as part of the assets of said estate, nor applied to the payment of the debts of said estate in any case whatsoever.

SEC. 13. *And be it further enacted*, That the Secretary of the Treasury may, in his discretion, and is hereby authorized to pay the claims allowed by this act in stock of the United States, which shall be issued for the amount of each and all sums which may be found due said claimants under this act, in such amounts as said Secretary shall deem proper, payable in fifteen years from their date, with interest at the rate of six per centum per annum, and made payable to the several creditors, their administrators, executors, or their legally authorized attorneys, or either of them, agreeably to the twelfth section of this act, as soon as said several claims shall have been allowed by the aforesaid accounting officer: *Provided*, That said stock shall be redeemed at such a time as Congress shall make an appropriation therefor, and not sooner.

SEC. 14. *And be it further enacted*, That the faith of the United States is hereby pledged for the due payment of the interest and redemption of the principal of the stock which may be issued under the authority of this act.

SEC. 15. *And be it further enacted*, That this act shall continue and be in force for the term of ten years, and no longer; and all claims not presented, with the evidence of their adjudication, within that time, shall be forever barred.

SEC. 16. *And be it further enacted*, That the decision of the accounting officer shall be final and conclusive.

Mr. BRANCH. I make the point of order that the bill, under the rule, must of necessity go to the Committee of the Whole on the state of the Union, because it contains an appropriation. The attempt to evade the rule by the provision that the

friend from Missouri, to carry it to St. Joseph. I vote "no."

Mr. WHITELEY stated that he was paired on this bill with Mr. FOSTER.

Mr. EDGERTON stated that his colleague, Mr. CAREY, was detained at his room by indisposition.

Mr. ALLEN, of Ohio, made a similar statement in regard to his colleague, Mr. HOWARD.

Mr. STANTON stated that his colleague, Mr. PENDLETON, was paired with Mr. OLIN.

The vote was announced as above recorded.

Mr. CRAIG, of Missouri. I rise to a privileged question. I move to reconsider the vote by which the amendment to the amendment was adopted; and to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. CURTIS. I move that the Senate amendment be non-concurred in; and on that motion I demand the previous question.

Mr. STANTON. I hope the gentleman from Iowa will permit the motion to be made to nonconcur in all the amendments of the Senate, and have a committee of conference upon them. That is the only way we shall ever get clear of them.

Mr. GROW. I want a separate vote on the amendment to provide for a northern road.

Mr. CURTIS. I have an amendment, which I desire to offer, to that amendment.

Mr. HOARD. I object to non-concurring in the amendments of the Senate in gross.

Mr. CURTIS. Then, I move to non-concur in the first amendment of the Senate, and call the previous question.

The SPEAKER. The morning hour having expired, the special order, being the report of the committee of thirty-three, is now before the House, upon which the gentleman from Pennsylvania [Mr. CAMPBELL] is entitled to the floor.

Mr. PHELPS. Do I understand that the motion is made to non-concur in all the amendments of the Senate in gross? If so, I wish to make objection to that motion.

The SPEAKER. The Chair has stated that objection being made, the question must be taken upon the amendments separately.

Mr. CURTIS. Now, if the gentleman from Pennsylvania will yield the floor, I will move to postpone the special order for the purpose of considering this bill to-day.

Mr. DAVIS, of Indiana. I object to that.

Mr. HASKIN. I did desire to say something in opposition to this bill; and now, for the purpose of saying something practically in opposition to it, I will move to lay the bill and amendments on the table.

The SPEAKER. The Chair will state to the gentleman from New York, that the subject of the Pacific railroad bill has passed from the consideration of the House. The gentleman from Pennsylvania [Mr. CAMPBELL] is entitled to the floor; and the Chair understands that he declines to yield.

Mr. CURTIS. Then I desire to ask the gentleman from Pennsylvania whether he did not say to me this morning that he would yield the floor for that motion?

Mr. BURNETT. The gentleman from Pennsylvania is entitled to the floor, and I ask that he shall proceed. I object to interruption.

Mr. CURTIS. And I ask the gentleman whether he does not know that, unless we can go on with the consideration of this bill at this time, it will go to the Speaker's table?

The SPEAKER. The gentleman from Iowa will understand distinctly that the Chair cannot take cognizance of any such arrangement.

Mr. BURNETT. The gentleman from Pennsylvania is entitled to the floor. Now, sir, if he yields the floor, I insist that he does so unconditionally.

STATE OF THE UNION.

Mr. CAMPBELL. I believe I am entitled to the floor. I take this opportunity of presenting four petitions, signed by citizens of Philadelphia, without distinction of party, asking for the enforcement of the Constitution and the laws as they are.

The memorials were laid on the table

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by A. J. GLOSSBRENNER, his Private Secretary, informing the House that he did, on this day, approve and sign a bill and joint resolution of the following titles:

An act granting a pension to Gregory Pattl; and

A resolution for the benefit of Duvall & Brothers.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. HICKEY, their Chief Clerk, announcing that the Senate had ordered to be printed—

The resolutions of the Legislature of Minnesota on the State of the Union; and

The report of the Secretary of State on the commercial relations of the United States with foreign nations, for the year 1860.

Also, that the Senate insist upon their amendments to the bill (H. R. No. 892) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1862, disagreed to by the House of Representatives; and ask a conference on the disagreeing votes of the two Houses on the said bill; and have appointed Messrs. PEARCE, LATHAM, and DIXON, as the conferees on the part of the Senate.

Also, that the Senate concur in the first, second, fifth, sixth, ninth, tenth, and twelfth amendments of the House of Representatives to the bill of the Senate (No. 10) in addition to "An act to promote the progress of the useful arts;" nonconcur in the fourth and seventh amendments; and concur in the other amendments of the House, with amendments; in which he was directed to ask the concurrence of the House.

Also, that the Senate have passed bills and a joint resolution of the following titles; in which he was directed to ask the concurrence of the House:

An act (No. 543) to carry into effect conventions between the United States and the Republics of New Granada and Costa Rica;

An act (No. 552) relating to printing extra numbers of messages, reports, and documents; and

A resolution (No. 63) for the relief of Mrs. E. A. H. Adams, George M. Thompson, and Thomas H. Green.

Also, that the Senate insist upon their amendments to the bill (H. R. No. 864) making appropriations for the consular and diplomatic expenses of the Government for the year ending June 30, 1862, disagreed to by the House of Representatives; and disagree to the amendment of that House to the seventh amendment of the Senate; and ask a conference on the disagreeing votes of the two Houses on said bill; and have appointed Messrs. FESSENDEN, SAULSBURY, and CLINGMAN, to be the conferees on the part of the Senate.

Also, that the Senate have passed a bill of this House (No. 914) making appropriations for the naval service for the year ending June 30, 1862, with amendments; in which he was directed to ask the concurrence of the House.

Also, that the Senate have passed a resolution that a committee of one member of the Senate be appointed to join a committee of two members of the House of Representatives to wait on Abraham Lincoln, of Illinois, and to notify him that he has been duly elected President of the United States for four years, commencing with the 4th of March, 1861; and also to notify Hannibal Hamlin, of Maine, that he has been duly elected Vice President of the United States for four years, commencing with the 4th of March, 1861; and that they have appointed Mr. TRUMBULL on said committee on their part.

CONDITION OF THE COUNTRY.

Mr. CAMPBELL. Mr. Speaker, it was officially announced yesterday in this Hall that Abraham Lincoln, a worthy, patriotic, and intelligent citizen of the State of Illinois, had been elected President of the United States of America, according to the forms and requirements of the Constitution, and laws made in pursuance thereof.

Absolute submission to the results of elections has been the homage which the American people periodically offered to their institutions. Whatever diversity of sentiment or partisan zeal may have marked the canvass, unanimous obedience has, with patriotic ardor, waited upon the decisions of the ballot-box. By a graceful acquiescence in the voice of the majority, my countrymen have been proud to prove their capacity for self-government. The now dominant party of the free States have for more than a quarter of a century submitted to the governmental policy of the slave States, although greatly superior to them in population—not because it was submission, but obedience to the laws of the land.

The election of Mr. Lincoln carries with it the full force of constitutional precedent and popular conviction. Yet that habitual and historic obedience is now for the first time refused by a portion of the people—a refusal as deplorable as amazing. We hear the bold avowal that the inauguration of the President elect will be resisted, and that he will not be permitted to take his post at the head of the Government; or at least shall have but a divided rule, unless ample and satisfactory concessions to a portion of the Confederacy shall first be made. It is proposed, or has been proposed by the leaders and participators in this treasonable conspiracy, to resist the inauguration by force of arms; to seize the Federal capital, to precipitate revolution in the border and intermediate States, to break up the Government, and to plunge a great and prosperous people into all the horrors of civil war. To carry out these destructive purposes, the most subtile and extended combination has been formed. Embracing many of the leading Senators and dignitaries of the Gulf States, it has drawn within its fatal vortex chiefs of the Cabinet; has paralyzed the President, and has its friends and ramifications in the cities of the North. Six States claim to have detached themselves from the Union irrevocably, and in defiance of section ten article one of the Constitution, which declares, "no State shall enter into any confederation," have proceeded to form a hostile confederation within the limits and jurisdiction of the United States.

Without pausing for redress, if injury has been inflicted, or fearing that remedy might be applied if opportunity were given; without the suffrages of the people, or against well ascertained popular majorities in some instances, recklessly have they struck a blow at the best Government in the world, as well as inflicted an irreparable injury upon themselves. This combination against constituted authority embraces two classes of men, the one giving aid and comfort to the other, acting for the time being in concert, but with different objects in view, namely: the secessionists *per se*, and those who are termed reconstructionists. Both claim the Union has been, or must be destroyed; the former finally so, while the latter indulge in the philanthropic hope of reconstructing it on Democratic pro-slavery principles—from disinterested motives, of course! Intent upon different objects now, what they will be hereafter we must leave time to determine. Sufficient for us to know, that both stand in a position hostile to the inviolability of the Union. The former are preëminent for boldness in treason; the latter for baseness of partisan warfare, at a time when the temple of liberty is rocked to its foundations. *Reconstruction* implies previous *destruction;* and any party, or combination of men, that propose to destroy the American Union, must and will fail. Our inheritance is indivisible. The Union has not been and cannot be dissolved. Its fibrous interlacings of interests cannot be sundered. Heroic deeds, revolutionary reminiscences, commercial relations, domestic relations, the continuity of a boundless coast, immense rivers, mountain chains, iron bands, are our common property; one national anthem our inspiration, one flag our symbol! "Those whom God hath joined together let not man put asunder."

No, sir; I hold it next to treason, at a time like this, to claim that the Union of our fathers is dissolved. Every true man, every native and adopted citizen, should rally around her altar and swear to maintain the Union, without reservation, in all peril, and in every contingency. A Government that has claimed the respect of mankind, and which rests as light as gossamer upon the governed, giving to all the most perfect security; as well as the largest liberty within the limits of constitutional order, is worth every sacrifice consistent with vital principle to maintain.

Let every effort be made to preserve our nationality intact—every star upon our flag, every acre within our limits. Let all Union-loving and patriotic men unite heart and soul for this grand object. Let all our energies be directed to the

can be considered in the House by unanimous consent; and, to bring it before the House, I will move to reconsider the vote by which it was referred.

Mr. WINSLOW. I hope the bill will be passed. It is a very meritorious case.

Mr. SICKLES. The report of the Committee on Foreign Affairs was unanimous.

The motion to reconsider was agreed to; and the bill was brought before the House for consideration.

Mr. BABBITT. I object.

Mr. SICKLES. Very well; let the bill go back to a Committee of the Whole House again.

The bill was again referred to a Committee of the Whole House, and, with the accompanying report, ordered to be printed.

PRAIRIE DU CHIEN LANDS.

An act (S. No. 472) for the relief of certain claimants to farm lands at Prairie du Chien, in the State of Wisconsin, was taken from the Speaker's table, read a first and second time, and referred to the Committee on Public Lands.

RANDALL PEGG.

Mr. MOORHEAD. There is a certain bill on the Speaker's table for the relief of Randall Pegg, appropriating about two hundred dollars, for paying him the difference between the pay he received as a watchman at the Patent Office, and that received by the other watchmen.

The bill was read.

Mr. NIBLACK. I will state that I reported a similar bill to the House. It is a meritorious case, and I hope it will be passed.

There being no objection, the bill was taken from the Speaker's table, received its several readings, and was passed.

Mr. MOORHEAD moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

COPY-RIGHT LAW—AGAIN.

Mr. COX. I ask again that the Senate amendments to House bill No. 584, to extend the right of appeal from decisions of circuit courts to the Supreme Court of the United States, may be taken up, and the amendments of the Senate concurred in.

Mr. JOHN COCHRANE. The only amendment of importance is one which extends the same right of appeal to inventors in patent cases.

Mr. HOARD. Is that a private bill?

Mr. JOHN COCHRANE. The bill has passed both Houses unanimously. I hope the gentleman will not object.

There being no objection, the Senate amendments were concurred in.

Mr. JOHN COCHRANE moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

PATENT LAW.

Mr. NIBLACK. There is a bill of the Senate on the table, which has passed both Houses. It is Senate bill No. 10, to amend an act in addition to "An act to promote the useful arts." I ask that it may be taken up, and the action of the Senate considered.

There being no objection, the bill was taken up.

Mr. NIBLACK. The Senate have disagreed to the action of the House in various amendments. I move that the House insist, and ask for a committee of conference.

The motion was agreed to.

JAMES SMITH.

Mr. TOMPKINS. I ask the unanimous consent of the House to discharge the Committee of the Whole House from the further consideration of Senate bill No. 134, for the relief of James Smith.

The bill was read.

Mr. McCLERNAND. I object.

Mr. FLORENCE. I ask the gentleman to withdraw the objection. This is as meritorious a case as was ever before Congress.

The SPEAKER. Does the gentleman withdraw his objection?

Mr. McCLERNAND. I do not.

NEW MEXICO MILITARY ROAD.

Mr. OTERO. I ask the consent of the House to take from the Speaker's table House bill No. 200, to provide for the completion of the military road from Fort Union to Santa Fé, New Mexico. The Senate have put an amendment on the bill, which I ask the House to concur in.

The amendment was read.

Mr. CAREY. I object.

COMMITTEE OF THE WHOLE.

Mr. TAPPAN. I now move that the House go into a Committee of the Whole House on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into a Committee of the Whole House on the Private Calendar, (Mr. WASHBURNE, of Illinois, in the chair.)

The CHAIRMAN. This day, the Committee of the Whole House on the Private Calendar has, under the order of the House, been made an objection day. The Clerk will therefore proceed to call the Calendar, at the point where the call ceased on the last objection day, being at House bill No. 579, for the relief of Thomas F. Bowler, of New Mexico.

Mr. WINSLOW. I rise to a question of order. I understand the Chairman to say that the call of the Calendar would be resumed where it was left off on the last objection day. I submit that this being objection day by special order, the call of the Calendar ought to be commenced with the first bill upon the Calendar. Such, I believe, was the understanding of the House this morning, when this was made objection day in the Committee of the Whole House on the Private Calendar.

The CHAIRMAN. The Chair is not aware what was the understanding of the House. He has proposed, on this occasion, to proceed with the call, under the rules and practice of the House. Therefore, he has directed the Clerk to begin the call where it was left off on last objection day.

Mr. WINSLOW. That would be a correct proceeding, if we were now in Committee on the Private Calendar upon one of the objection days set apart by the rules. But such is not the case. We are now acting under a special order. I hope that there will be no objection to carrying out what I thought was the general understanding; and that is, to begin with the beginning of the Calendar, and not upon page 15.

The CHAIRMAN. The Chair will submit the question to the decision of the House.

Mr. WINSLOW. I hope we will begin with the beginning of the Calendar; for we will then be enabled to go through the entire Calendar, and not through only a part of it.

The CHAIRMAN. The Committee has heard the proposition. Is there objection to it?

Mr. PERRY. I object.

The CHAIRMAN. The question will be submitted to the House.

Mr. CLARK, of Missouri. I hope we will take up the entire Calendar, and not confine the call to Senate bills.

Mr. WINSLOW. The order of the House confines us to Senate bills.

Mr. McCLERNAND. I think that the gentleman from North Carolina is mistaken as to the order of the House limiting the call to the Senate bills upon the Calendar.

The CHAIRMAN. The Clerk informs the Chair that the order of the House was for a general call of the Calendar, including House bills as well as Senate bills. The question now is, shall the call begin with the beginning of the Calendar instead of where it was left off on the last objection to-day?

The question was taken; and the motion was disagreed to.

The CHAIRMAN. The Clerk will begin to call the Calendar where it was left off on last objection day.

The Clerk then proceeded with the call.

THOMAS F. BOWLER.

A bill (H. R. No. 579) for the relief of Thomas F. Bowler, of New Mexico.

Mr. JUNKIN. I give notice that I will object to all these bills, unless the call goes back to the beginning of the Calendar.

Mr. FLORENCE. The understanding clearly was that we should proceed to take up the Senate bills upon the Calendar.

The CHAIRMAN. The order of the House was general.

Mr. FLORENCE. My understanding is that when the Smith case was up, the House agreed to take up the Senate bills. The Smith bill was a Senate bill; and it was understood that the order included it; but if we go on as the Chairman has decided, that case will not be reached. It is a meritorious case; and I will tell the gentleman who objected to it that, if he will look into it, he will be satisfied that it ought to be passed.

Mr. TOMPKINS. I object to the pending bill. I understand the House has, over and over again, refused to pay such claims.

JOHN MONTZ.

A bill (H. R. No. 580) for the relief of John Montz.

Mr HOARD I object to that bill.

JAMES BELL.

A bill (H. R. No. 581) for the relief of the legal representatives of James Bell, late of Chambly, in the province of Lower Canada, deceased.

Mr. HOLMAN. I object.

LIEUTENANT FRANCIS WARE.

A bill (H. R. No. 582) for the relief of the legal representatives of Lieutenant Francis Ware.

Mr. CRAIG, of Missouri. I learn from a member in whom I have confidence that none of the bills upon this Calendar will be allowed to pass; and I therefore move that the committee rise.

The motion was disagreed to.

Mr. STEVENS, of Pennsylvania. I object to the pending bill.

Mr. HOLMAN. Before the gentleman objects, I hope he will let the Clerk read the letter of the Register.

Mr. STEVENS, of Pennsylvania. I object. The bill seems to institute a hunt after heirs.

JACOB HALL.

A bill (H. R. No. 584) for the relief of Jacob Hall.

Mr. OTERO. I object.

The CHAIRMAN. The gentleman from New Mexico being a Delegate, and not a member, the Chairman cannot receive his objection.

Mr. McKNIGHT I object.

Mr. EDWARDS. I move that the committee rise.

The motion was not agreed to.

FREDERICK F. BROSE, DECEASED.

A bill (H. R. No. 586) for the relief of the legal representatives of Frederick F. Brose, deceased.

Mr. EDWARDS. I object to that. I will object to everything.

DEFICIENCY BILL.

Mr. SHERMAN. I understand that the committee of conference on the deficiency bill is ready to report; and in order that we may receive that report, I move that the committee rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. WASHBURNE, of Illinois, reported that the Committee of the Whole House had, according to order, had the Private Calendar under consideration, and had come to no conclusion thereon.

Mr. SICKLES. I submit the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 866) "to supply deficiencies in appropriations for the fiscal year ending June 30, 1861," having met, after full and free conference, have agreed to recommend to their respective Houses, as follows:

That the Senate recede from their disagreement to the amendments of the House to the second and sixth amendments of the Senate, and concur in said amendments of the House.

That the House recede from their disagreement to the fifth amendment of the Senate, and agree to the same with an amendment, as follows:

Strike out from the second line of the amendment the words "and for office rent, fuel, &c.;" and in the fourth and fifth lines of the amendment strike out the words "$12,857 92," and in lieu thereof insert $10,533;" and at the end of the amendment, add:

Provided, That no payment shall be made under the terms of this appropriation except upon vouchers of moneys actually paid by the several receivers and registers, such vouchers to be verified by the affidavits both of the registers and receivers and the parties to whom the payments have been made; nor unless the Secretary of the Interior be satisfied of the fairness of the prices allowed: *And provided further*, That the seventh section of the act of the 18th of August, 1856, "making appropriations for certain civil expenses of

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THE CONGRESSIONAL GLOBE:

v. 30, pt. 2

CONTAINING

THE DEBATES AND PROCEEDINGS

OF THE

SECOND SESSION OF THE THIRTY-SIXTH CONGRESS:

ALSO, OF THE

SPECIAL SESSION OF THE SENATE.

BY JOHN C. RIVES.

CITY OF WASHINGTON:
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tion of the special order has arrived. It may come up to-morrow, or it may not.

Mr. SHERMAN. It will come up to-morrow as unfinished business.

The SPEAKER. The gentleman from Maryland [Mr. WEBSTER] is entitled to the floor, upon the special order.

Mr. SHERMAN. I appeal to the gentleman from Maryland to give way a moment, to allow me to move to postpone the special order long enough to put upon its passage a bill, which I will send up.

Mr. GARNETT. I object to the gentleman yielding the floor, unless he yields it unconditionally.

Mr. WEBSTER. I have no objection to giving way to the gentleman from Ohio, if I do not lose my right to the floor thereby.

The SPEAKER. Does the gentleman from Maryland yield to the gentleman from Ohio?

Mr. WEBSTER. I do, if I can have the floor after the gentleman from Ohio has finished his business.

Mr. SHERMAN. Then I move to postpone the special order.

Mr. GARNETT. I rise to a point of order. If objection is made, the gentleman from Maryland cannot yield the floor to the gentleman from Ohio, unless he does it unconditionally.

The SPEAKER. The gentleman yields the floor unconditionally.

Mr. GARNETT. I demand the yeas and nays upon the motion to postpone.

The yeas and nays were ordered.

Mr. SHERMAN. I will not trespass upon the time of the gentleman from Maryland now. The bill I desired to bring up is one providing for the public credit. I withdraw my motion for the present; but when the gentleman gets through, I will move to postpone the special order until to-morrow, for the purpose of passing the bill.

Mr. SICKLES. I rise to a personal explanation, in reference to a motion made this morning by the gentleman from Ohio, [Mr. SHERMAN.] I desire only to say, that the gentleman from Ohio sought to reconsider the vote of the House by which the bill I called up this morning was passed; and assigned as his reason that the date of the pension went back to 1849. That objection implies that the House has not passed such bills heretofore, and that the objection is peculiar to the bill I called up. I desire to say that the House has passed fifty such bills, and more than a dozen of them during this Congress. I could furnish the gentleman with a long catalogue of such laws, and among them the bill for the relief of Mrs. Gaines.

Mr. SHERMAN. Bills have seldom been passed antedating the pension ten or twelve years. It was done in the case of Mrs. Gaines, I know; but certainly never for the widow of a doctor of the United States Army.

Mr. SICKLES. Pensions should not depend upon the distinction of the person, but upon the merits of the case.

STATE OF THE UNION.

The SPEAKER stated that the special order was now under consideration; and that on that question the gentleman from Maryland [Mr. WEBSTER] was entitled to the floor.

Mr. WEBSTER addressed the House for an hour. [His speech will be published in the Appendix.]

CLAIM OF H. M. RICE.

Mr. BLAKE, by unanimous consent, introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the acting Secretary of the Interior be requested to inform the House,

1. Whether a claim of the assignee of Hon. H. M. RICE, amounting to about twenty-four thousand dollars, ($24,000) has been paid.

2. If so, how long has said claim been pending before the Department; and whether any Commissioner of the Indian bureau or Secretary of the Interior, has heretofore rejected said claim, or refused to estimate for it; if so, the reasons for such rejection or refusal.

3. Whether said claim, if paid, was or was not referred for settlement to the Second Auditor and other accounting officers of the Treasury, as is usual in such cases; and if not, the reasons therefor.

4. What is the nature of such claim; and what was the contract between Hon. H. M. RICE and the Government for the removal of the Winnebagos?

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr PATTON, one of its clerks, informing the House that the Senate had agreed to the report of the committee of conference upon the bill to supply deficiencies in the appropriations for the fiscal year ending June 30, 1861.

Also, that the Senate insist upon their amendments, disagreed to by the House, to the amendments of the House to the bill of the Senate in reference to the reorganization of the Patent Office; and also insist upon their disagreement to the amendments insisted upon by the House to said bill; and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

GOVERNMENT LOAN.

Mr. SHERMAN. I now submit my motion, that the special order be postponed until to-morrow after the morning hour; and upon that I call the previous question.

Mr. PHELPS. Permit me to make a suggestion to the gentleman from Ohio, as also to gentlemen upon this side of the House. I understand the object of postponing the special order is to enable the gentleman to introduce a bill reported by the Committee of Ways and Means. For one, I am willing that it shall be introduced, provided its consideration shall be postponed until to-morrow.

Mr. SHERMAN. It would be overslaughed by the special order to-morrow.

Mr. PHELPS. You can make this bill the special order, and you can to-morrow postpone the other special order.

Mr. SHERMAN. If I can get the unanimous consent of the House to make the bill the special order for one o'clock precisely to-morrow, so that all other business shall be postponed, and we may have a vote upon the bill then, I have no objection.

Mr. PHELPS. I desire to make a suggestion to the gentleman. For my own part—and I think I can speak also for some others upon this side of the House, from my knowledge of their views—I am willing to proceed to the consideration of the bill which the gentleman holds in his hand to-morrow at any time he pleases, with no stipulation, however, as to the time when the vote shall be taken, but with the expectation that the vote will be taken to-morrow.

Mr. SHERMAN. I prefer, then, to do my duty, and press the bill now. It must be passed to-day or to-morrow. It is a simple bill, and contains nothing that every man cannot understand. I move, therefore, to postpone the special order until to-morrow.

Mr. PHELPS. I thought I had acceded to the gentleman's proposition.

Mr. SHERMAN. The gentleman did not. He was unwilling that any hour should be fixed for taking the vote.

Mr. PHELPS. I desire to present my opinions on the bill, for I cannot vote for it, and I am not ready to present them now.

Mr. McCLERNAND. If this debate is not in order, I object to it.

Mr. PHELPS. I then ask for the yeas and nays on the motion to postpone. If it cannot be accomplished in one way, it can in another.

The yeas and nays were ordered.

Mr. PHELPS. I desire to say a word to the gentleman from Ohio.

The SPEAKER. The question before the House is on the motion of the gentleman from Ohio to postpone the consideration of the special order until one o'clock to-morrow.

Mr. PHELPS. I presume the gentleman from Ohio can have a vote on the bill which he desires to report by two o'clock to-morrow. There will be no desire, I think, to impede it or to prevent the House from coming to a vote on the question.

Mr. SICKLES. I ask that the bill be read for information. It may guide the votes of many gentlemen upon this motion.

Mr. PHELPS. I assure the gentleman from Ohio that I will aid him to come to a vote.

Mr. SHERMAN. I ask that the bill be read; and if I can have it understood that immediately after the morning hour and after the unfinished business has been disposed of, I may have a vote on the bill, I will consent that it shall go over.

The bill to amend the several acts authorizing loans was read. The first section provides that, in place of any part of the loans now authorized by law, the President be authorized to issue bonds of the United States, of a denomination of not less than fifty dollars, bearing not to exceed six per cent. interest, payable annually or semi-annually, at his discretion, and running not to exceed twenty years, and, at his discretion, to attach to any of such bonds, coupons for the interest thereon; and he is also authorized to apply such bonds at par to the payment of such creditors of the Government as choose to receive them, provided that the aggregate amount issued under this act and the acts now in force authorizing loans, shall not exceed the amount authorized by said acts.

The second section authorizes the Secretary of the Treasury to employ and pay such additional clerical force as he may deem necessary to enable him to execute the act, to be paid out of any money in the Treasury not otherwise appropriated.

Mr. BARR. Is that bill the recommendation of the Secretary of the Treasury?

Mr. SHERMAN. The only difference between the Secretary of the Treasury and the Committee of Ways and Means is this: the Secretary thought the bonds ought not to be under the amount of $100. We thought they might be issued as low as fifty dollars, in order that they might be used more expeditiously in the payment of public dues.

Mr. SICKLES. Is this bill necessary for the promotion of the public credit now?

Mr. SHERMAN. I do believe that it is absolutely necessary for the preservation of the public credit against a combination of bankers.

Mr. SICKLES. I understood that to be the case, and I hope the bill will be considered now.

Mr. McCLERNAND. Has this bill been the subject of consultation between the Secretary of the Treasury and the Committee of Ways and Means?

Mr. SHERMAN. It has.

Mr. McCLERNAND. Does it meet with his approbation?

Mr. SHERMAN. It does, except that he thinks the minimum amount of the bonds authorized to be issued is too small.

Mr. PHELPS. I am willing that the bill shall be made the special order for to-morrow, immediately after reading of the Journal.

Mr. SHERMAN. The bill must go to the Senate and become a law before Saturday next, when the bids are to be opened. If we do not pass it to-day, there is no use in passing it at all.

Mr. FLORENCE. I trust we shall proceed with the bill now. The country is in a suffering condition, and this is looked to as a means of relief everywhere. For my own part, I cannot see why there should be any objection to it.

The question was then taken on Mr. SHERMAN's motion; and it was decided in the affirmative—yeas 124, nays 33; as follows:

YEAS—Messrs. Charles F. Adams, Adrain, Aldrich, Allen, Alley, Thomas L. Anderson, William C. Anderson, Barr, Bingham, Blair, Blake, Brayton, Briggs, Bristow, Burlinton, Burlingame, Burnham, Butterfield, Campbell, Carey, Case, Conkling, Conway, Corwin, Covode, Cox, Delano, Duell, Dunn, Edgerton, Eliot, Ely, Etheridge, Farnsworth, Fenton, Florence, Frank, Gilmer, Gooch, Graham, Grow, Hale, Hall, Hamilton, John T. Harris, Helmick, Hoard, Holman, William Howard, William A. Howard, Humphrey, Hutchins, Irvine, Junkin, Francis W. Kellogg, William Kellogg, Kenyon, Kilgore, Killinger, Lamarbee, DeWitt C. Leach, Lee, Longnecker, Loomis, Lovejoy, Marston, McClernand, McKean, McKenty, McKnight, McPherson, Millson, Millward, Montgomery, Moorhead, Morrill, Edward Joy Morris, Isaac N. Morris, Morse, Nelson, Niblack, Nixon, Noell, Olin, Palmer, Perry, Pettit, Peyton, Porter, Potter, Pottle, Edwin R. Reynolds, Rice, Christopher Robinson, Royce, Scranton, Sedgwick, Sherman, Sickles, Simms, Spaulding, Spinner, Stanton, Stevens, William Stewart, Stokes, Stratton, Tappan, Theaker, Tompkins, Train, Vallandigham, Vandever, Van Wyck, Wade, Waldron, Walton, Cadwalader C. Washburn, Elihu B. Washburne, Webster, Wells, Windom, Wood, and Woodruff—124.

NAYS—Messrs. Avery, Barret, Bocock, Brabson, Brown, Burnett, John B. Clark, James Craig, Burton Craige, John G. Davis, De Jarnette, Edmundson, Fouke, Garnett, Hatton, Kunkel, Leake, Logan, Maclay, Mallory, Laban T. Moore, Phelps, Pryor, Quarles, Riggs, James C. Robinson, Ruffin, William N. H. Smith, Thomas, Vance, Winslow, Woodson, and Wright—33.

So the further consideration of the special order was postponed until to-morrow at one o'clock, p. m.

During the roll-call,

Mr. HOLMAN stated that his colleagues, Messrs. WILSON and ENGLISH had paired off.

Mr. HINDMAN stated that he had paired off, for the rest of the day, with Mr. THAYER.

The result of the vote was announced as above recorded.

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That crime, the highest known to the laws of the world, appears in our history to have assumed a milder form, to be treated with marked tenderness by the authorities of the Government against which the crime is perpetrated. We do not think the history of any Government furnishes, in this respect, any parallel to the policy of our own; and we cannot believe that any Government, however powerful, can long survive the inauguration of, and persistence in, such a policy. We therefore regard it our duty to condemn, in the most emphatic terms, the course pursued by the President in recognizing or substantially holding diplomatic communication with the rebellious authorities of the State of South Carolina. The dignity of the Government required, at least, that the President should at once, and with firmness, decline all negotiations with a State in the attitude of rebellion, if the obligations of his oath did not require him to hand over such of the rebels as came within his power to the civil authorities of the United States, to be dealt with according to the forms of law.

Even while these negotiations were going on, the President received information that the authorities of the State of South Carolina had seized, by force, Castle Pinckney, Fort Moultrie, the United States arsenal, and the custom-house and post office in the city of Charleston. Although the correspondence before us does not declare the facts, the history of the times furnishes us with the results of this "peace policy." In several other States of the Union, the authority of the Government of the United States has been defied and insulted, its flag dishonored, and its property unlawfully seized. No effort has been made to defend or recover it; and now a revolutionary government, embracing six of the States of the Union (in all of which acts of violence against the property of the United States have been committed) is set up in defiance of, and in hostility to, the Government of the United States.

This revolutionary government must either be recognized or repudiated. Its independence must be acknowledged, or the persons engaged in the effort to establish it must be treated as rebels and traitors to the Constitution of the United States. To acknowledge the right of secession or recognize the revolutionary acts growing out of it, is a surrender of the authority, power, and dignity of the Government of the United States, and a substantial agreement to its destruction. We cannot believe that the American people will consent to the dissolution of the Federal Union without an effort to save it, even if that effort involves a resort to all the powers which the Government is able to command. That it can be preserved by peaceful negotiation and compromise, does not seem probable; for in certain quarters all propositions of that character are most distinctly repudiated. The demand is made that the Government of the United States shall surrender its authority, or maintain it by force of arms. We can imagine but one answer that ought to be given to such a demand, and the longer it is delayed the more disastrous may be the consequences to those who resist as well as to those who desire to maintain the integrity, the dignity, and the authority of the most beneficent Government established since the foundation of the world.

The correspondence growing out of the mission of Colonel Hayne, "special envoy" from the State of South Carolina, communicated with the message of the 8th of February, 1861, is also before us. The object of the mission, as already stated, was to demand of the President the unconditional surrender of Fort Sumter to the authorities of the State of South Carolina, accompanied with a threat that if the demand was refused it would be taken by force of arms. The views we express as to the duty of the President in relation to the first mission, apply with equal, if not greater force, to that represented by Colonel Hayne, as special envoy. If it were possible, the character of the second mission is even more insulting and offensive to the Government of the United States than the first. In both instances, the President refused to accede to the demands made upon him; but, in our judgment, this fact does not remove the objections urged against the propriety of receiving or entertaining communications with any "commissioners" or "envoys" from States in the condition of actual rebellion against the Government, who come, not to obtain pardon for their offenses, but with demands which cannot, without disgrace and humiliation, be for one moment entertained.

Whatever consequences may follow the effort to maintain the dignity and integrity of the Government of the United States, it seems impossible to contemplate the possibility of its peaceful destruction. So long as it has the power of self-preservation there appears to be no alternative between its exercise, at whatever hazard, and a cowardly surrender, without a blow struck, upon the demand of rebels and traitors.

Your committee insist upon maintaining the dignity and exercising the power of the Government against any who deliberately set about its destruction, or invite collision with its power or its laws.

In conclusion, the committee recommend the adoption of the following resolution:

Resolved, That, in the opinion of this House, the President had no constitutional power to negotiate with the representatives of the State of South Carolina for the surrender of any public property within the limits of that State, and that it is inexpedient for Congress to take any further action in relation thereto.

Mr. JOHN COCHRANE, from the committee of five, to whom was referred the President's communication of the 8th ultimo, with certain instructions, and his subsequent communication of the 9th instant, presented, by leave of the House, the following minority report, upon so much of the said reference as relates to the correspondence between the President and those invited by the State of South Carolina with a diplomatic character:

A recurrence to events will enable the judgment to pronounce, with more certainty and justice, upon the acts of the President which seem to have aroused the patriotism and provoked the animadversion of the majority of the committee. Their startling array marshals to us a connection of facts unparalleled, if not hitherto supposed to be without the pale of political possibility. The sovereign State of South Carolina, for causes of assumed adequacy, severed the federative bonds which embraced her, and by inherent sovereignty constituted herself an independent State. Were we to receive her declarations as political doctrine, and her public acts as irrefragable authority, she thereby emerged from the thraldom of the confederate Union, and maintained what she assumed—the attitude and power of a rightful independence. In pursuance of her designs, the regenerated State authenticated commissioners to treat with the President of the United States concerning mutual rights in abeyance between them. Among those enumerated appear to have been the fortifications, arsenals, magazines, light-houses, &c., the real property of the United States, and their appurtenances, together with the values they represented. The advent of the commissioners was recognized by the President as the arrival in Washington of distinguished citizens. Their interviews with him partook of the private consideration in which they were held; and the mutine of colloquial interviews might have illimitably continued had they not been terminated by the startling intelligence that Major Anderson, in his literal compliance with the instructions of the President, had made more secure the property of the United States in Charleston harbor, concerning which it was the intent of the commissioners to treat. This event was the signal for the first written communication from the commissioners to the President, in which they displayed a copy of their instructions and powers. The President, in reply, uses the following language:

"In answer to this communication, I have to say that my position as President of the United States was clearly defined in the message to Congress on the 3d instant. In that I stated that 'apart from the execution of the laws, so far as this may be practicable, the Executive has no authority to decide what shall be the relations between the Federal Government and South Carolina. He has been invested with no such discretion. He possesses no power to change the relations heretofore existing between them, much less to acknowledge the independence of that State. This would be to invest a mere executive officer with the power of recognizing the dissolution of the Confederacy among our thirty-three sovereign States. It bears no resemblance to the recognition of a foreign *de facto* Government, involving no such responsibility. Any attempt to do this would, on his part, be a naked act of usurpation. It is therefore my duty to submit to Congress the whole question in all its bearings.'

"Such is my opinion still. I could therefore greet you only as private gentlemen of the highest character, and was entirely willing to communicate to Congress any proposition you might have to make to that body upon the subject. Of this you were well aware. It was my earnest desire that such a disposition might be made of the whole subject by Congress, who alone posses the power, as to prevent the inauguration of a civil war between the parties in regard to the possession of the Federal forts in the harbor of Charleston; and I therefore deeply regret that, in your opinion, 'the events of the last twenty-four hours render this impossible.'"

The import of this language cannot well be mistaken. Its assertions are to the full effect of repudiating official relations between South Carolina as a foreign government, and himself as President of the United States, and a reference of the whole question to Congress. It is addressed to Robert W. Barnwell, James H. Adams, and James L. Orr, "with great personal regard," and not to the commissioners, who aspired to represent the sovereignty of an independent and foreign State. It is, perhaps, needless, though it may be well, to notice that the representatives of South Carolina, while admitting the attitude of the President towards them, fortified the dignity of their position with the subsequent written declaration that "they felt no special solicitude as to the character in which you [the President] might recognize us," [the commissioners.] If diplomatic relations suppose a mutuality of official character, it is quite certain that the personal appearance of James Buchanan in this correspondence deprives it of its imputed nature. The simplest mind will not have failed to perceive that, so far from an official recognition by the President of the United States of the government of South Carolina having occurred, not only was its prudence, but its possibility, denied, and "the whole question" was referred to the arbitrament of Congress. Indeed, to such a reference by the President, in pursuance of the intent thus expressed, is it that the majority of the committee are now empowered to pervert his declarations and acts into evidences of a censurable correspondence with a rebellious State. It is conceived that the further effusion of words upon this topic of investigation would be an extravagant expenditure of both time and labor. The simplicity of the case can in nowise detract from its strength. Its perfect symmetry of proportion commends to the public that admirable prudence which preserved unsullied from even approximate reproach the purity of the presidential character when remitting to Congress the decision of a purely constitutional question.

But we are admonished by the majority of the committee, that the presidential ermine was soiled in the epistolary correspondence which, at a later date, occurred between Hon. J. Holt, Secretary of War *ad interim*, on the part of the Government, and Hon. J. W. Hayne, envoy from the State of South Carolina, bearing a communication from the Governor of that State to the President of the United States, in relation to the surrender of Fort Sumter. It must be remembered that the correspondence communicated to the House in no instance discloses either personal or epistolary intercourse between the President and the envoy. Senatorial intervention diverted the latter from the prosecution of his purpose; and substituted for him, a communication from certain Senators to the President upon the controverted questions. It may be well to reproduce, at this point, the communication referred to. It is as follows:

SENATE CHAMBER, *January 11, 1861.*

SIR: We have been requested to present to you copies of a correspondence between certain Senators of the United States and Colonel James W. Hayne, now in this city, in behalf of the government of South Carolina; and to ask that you will take into consideration the subject of said correspondence.

Very respectfully, your obedient servants,

BEN. FITZPATRICK,
S. R. MALLORY,
JOHN SLIDELL.

To His Excellency JAMES BUCHANAN,
President of the United States.

Proceeding through a constitutional channel, the subject of inquiry and demand thus unexceptionably submitted to his notice received from the President a fitting response through the Secretary of War *ad interim*. The following extract affirms the continued and careful scrupulousness with which the constitutional integrity of the chief executive officer was guarded, and the dignity of the Government maintained:

"In regard to the proposition of Colonel Hayne, 'that no reinforcements will be sent to Fort Sumter, in the interval, and that public peace will not be disturbed by any act of hostility towards South Carolina,' it is impossible for me to give you any such assurances. The President has no authority to enter into such an agreement or understanding. As an executive officer, he is simply bound to protect the public property, so far as this may be practicable; and it would be a manifest violation of his duty to place himself under engagements that he would not perform this duty, either for an indefinite or a limited period. At the present moment, it is not deemed necessary to reinforce Major Anderson, because he makes no such request, and feels quite secure in his position. Should his safety, however, require reinforcements, every effort will be made to supply them.

"In regard to an assurance from the President, 'that public peace will not be disturbed by any act of hostility towards South Carolina,' the answer will readily occur to yourselves. To Congress and to Congress alone, belongs the power to make war, and it would be an act of usurpation for the Executive to give any assurance that Congress would not exercise this power, however strongly he may be convinced that no such intention exists."

It is not possible that a more successful refutation of the charge against the President of diplomatic intercourse with representatives accredited from the State of South Carolina, could be either constructed or imagined. With characteristic care, even the remotest advances to such a consummation were distinctly repelled. The most casual conversations were rescued from perversion by remarkable precautions; and the self-imposed restraint of South Carolina was the result rather of the inferences of her citizens than of any assurances alleged to have been given by the Executive. In the whole course of the published correspondence, it will be impossible to detect the most trifling deviation from the earliest annunciation by the President in his message to Congress at its opening of his intention to defend, with the whole power of the Government, its property, and to conserve its rights with all his constitutional vigor. The ardent inspirations of an uncalculating zeal have denounced as timidity these dictates of sobriety. Impulsive impetuosity has derided them; and the ungenerous impulses of political hostility have visited upon them the invectives of acrimonious controversy. But the sober sense of the public will inevitably prevail over these factitious stimulants of factious discord. Ultimately will be recognized and acknowledged the prescient wisdom which palliated the shock of disunion by the preservation of peace, which preserved from desolation by barricading the paths of blood, and wooed the occasion for conciliation, compromise, and adjustment, by the councils of moderation and peace. That the evening light still lingers in the parting day; and that to a people's prayers and hopes, the night hath not yet come, may with truth be ascribed to the equable action of the President.

It is to be regretted that the stridulous cry of partisan politics penetrates through, and rises above, the dismal moan of a dissolving Republic. It is sad to think how reproaches exhaust the energies and invectives occupy the faculties that a less disordered temperament or a more equally poised intellect would have devoted to harmonious coöperation, and have crowned with national preservation. It is, however, to be entertained as one, not the least alarming of the current expositions of the day; and the philosophic observer, however he be depressed by the reflection, will not probably err in his estimate of the hopelessness of our condition, when including this among the signs and wonders of the latter days. I would not willingly encourage by defending the delinquency of any public officer. The more elevated his position, the greater should be the exactions upon his virtue and capacity. But the distressing proneness of the professional party critic to detract from official virtue, and the tendency of party spirit to defame political adversaries, should be indicated in their inception, and be transfixed with the public reprobation. I do not apply these reflections to the report of the majority of the committee; but I am clearly of opinion that their remembrance would disarm its perusal of some of its baneful effects.

JOHN COCHRANE.

I concur in the conclusions, and in most of the views above expressed.

L. O'B. BRANCH.

Mr. JOHN COCHRANE. I ask that the majority and minority reports be printed in the Globe.

It was so ordered.

PATENT LAW.

Mr. NIBLACK. I rise to a privileged question. I am instructed by the committee of conference upon the bill amending the patent laws, to report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses of Congress on the amendments to the bill (H. No. 10) entitled "An act in addition to an act to promote the progress of the useful arts," having met, and after

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a full and free conference thereon, agreed to report and do report as follows:

The House recedes from its fourth amendment striking out the seventh section of the bill.

The Senate agrees to the seventh amendment of the House, with the following amendment, to wit: strike out "twenty," in the second line of the said seventh amendment, and, in lieu thereof, insert "fifteen." And in the same line, strike out "ten," and insert, in lieu thereof, "twenty."

The Senate recedes from its non-concurrence in the House amendment striking out line fourteen and fifteen, in section ten, and also from its non-concurrence in the House amendment striking out the word "twelve," and inserting the word "ten."

The House recedes from its non-concurrence in the Senate amendment to the eighth amendment of the House, striking out the words, "or any new and original design for the printing of woolen, silk, cotton, or other fabrics, or any new."

The House recedes from its non-concurrence in the Senate amendment to section fourteen striking out the word "of," and inserting, in lieu thereof, the word "and."

On the point of difference in the sixteenth section, the committee could not agree, and recommend the appointment of another committee of conference on that point.

WILLIAM BIGLER,
HENRY WILSON,
HENRY M. RICE,
Managers on the part of the Senate.
WILLIAM E. NIBLACK,
C. B. HOARD,
E. B. WASHBURNE,
Managers on the part of the House.

Mr. LOVEJOY. What is the effect of that report?

The SPEAKER. The committee disagree.

Mr. LOVEJOY. I have a very decided objection to some of the provisions of that bill. It provides for a printing establishment up there; which is entirely improper, in my judgment.

Mr. PHELPS. I rise to a question of order respecting the report that is now submitted from the committee of conference. That report is not an adjustment of the differences between the two Houses. I would suggest to the gentlemen who are the managers of the conference upon the part of the House, that if they desire to accomplish the object recommended in their report, they may move, on their own part, that the House recede from its action on certain amendments; but I think the reception of such a report as this is unprecedented.

Mr. WASHBURNE, of Illinois. I cannot, in the confusion that prevails, understand the point made by the gentleman from Missouri; and I ask him to restate it.

Mr. PHELPS. I rose to a question of order, and submitted that a committee of conference must settle the matters of disagreement between the two Houses. If the conferees of the House, however, choose, they can propose that the House recede from its action in reference to certain amendments, so as to reduce the matters of disagreement which a future committee will have to act upon. It is perfectly proper for them to do that; but to present as a report a partial agreement only of the managers of the two Houses, is unprecedented. It is such a report as I have never seen made in this House.

Mr. WASHBURNE, of Illinois. My recollection of the practice of committees of conference differs from that stated by the gentleman from Missouri. I have a distinct recollection of several cases in which the same course has been pursued that the committee have pursued in this case. I think the Speaker, by reference to the Journals of the House, will find that such is the case.

The SPEAKER. The Chair understands that the practice has been as stated by the gentleman from Illinois. The Chair thinks the report is regular, and the question is on its adoption.

Mr. LOVEJOY. I call for the yeas and nays upon the adoption of the report. I think we ought to know something more about it before we adopt it.

The yeas and nays were not ordered.

The report of the committee of conference was concurred in.

Mr. NIBLACK moved to reconsider the vote by which the report was concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. COX. I move that another committee of conference be appointed upon the remaining disagreement between the two Houses.

The motion was agreed to; and Messrs. Cox, FRANK, and BARR were appointed.

AUGUST BRAZIAN.

On motion of Mr. BARRET, by unanimous consent, leave was granted to withdraw from the files of the House the papers in the case of August Brazian for confirmation of his title to lands in Missouri, for the purpose of presenting the same in the courts.

MARYLAND CONTESTED ELECTION.

Mr. McKNIGHT. I rise to a privileged question. I am instructed by the Committee of Elections to make a report in the case of William P. Preston, contesting the seat of J. Morrison Harris, from the State of Maryland.

The report was received, laid on the table, and ordered to be printed.

DISTRICT OF COLUMBIA BUSINESS.

Mr. KILGORE. I rise to a privileged question. The Committee for the District of Columbia has an immense amount of business. Now, I want to know whether we are to have any time set apart for the transaction of this business? If not, I desire to know it, and I will make no further effort for the floor.

The SPEAKER. If the gentleman from Indiana submits a motion, the Chair will put it.

Mr. KILGORE. I move that Friday be set apart for the transaction of the business of the District of Columbia.

Mr. MAYNARD. I must object to that. Friday is objection day. We have had but one day set apart for the transaction of private business this session, and I object to that day being devoted to any other purpose.

Mr. LOVEJOY. I call for the regular order of business.

Mr. BURNETT. I hope gentlemen upon the other side of the House will at least give us two hours of some day for the transaction of the business of the District.

Mr. THOMAS. I call for the regular order of business.

DISTURBED CONDITION OF THE COUNTRY.

The SPEAKER. If the regular order of business be called for, the Chair decides that the report of the committee of thirty-three upon the disturbed condition of the country must be proceeded with; upon which the gentleman from Ohio [Mr. CORWIN] is entitled to the floor.

Mr. FLORENCE, Mr. CARTER, and Mr. BABBITT submitted remarks upon the pending propositions. [Their remarks will be published in the Appendix.]

Mr. WASHBURNE, of Illinois. The previous question has been ordered; and I submit that no further debate is in order.

The SPEAKER. No further debate is in order. The question is first upon the proposition of the gentleman from California, [Mr. BURCH.]

The proposition was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it be, and is hereby, recommended to the several States of the Union, that they, through their respective Legislatures, request the Congress of the United States to call a convention of all the States, in accordance with article fifth of the Constitution, for the purpose of amending said Constitution in such manner and with regard to such subjects as will more adequately respond to the wants, and afford more sufficient guarantees to the diversified and growing interests of the Government, and of the people composing the same.

Mr. BURNETT. I demand the yeas and nays upon that amendment.

The yeas and nays were ordered.

Mr. HUGHES. I wish to ask the Chair, what will be the effect of the adoption of this amendment in reference to the Crittenden proposition?

The SPEAKER. It will have no effect one way or the other. It has nothing to do with the Crittenden proposition.

[Great confusion prevailed in the House.]

Mr. BRABSON. I ask that no vote shall be taken until order has been restored in the Hall.

Mr. ADRAIN. I do not wish to interfere with the presence of strangers who are in the Hall; but I do submit, that the least that gentlemen can do, who are present without being entitled to the privileges of the House, is to observe silence.

The SPEAKER. The officers of the House will see that those who are not entitled to the privileges of the Hall withdraw.

The question was taken; and it was decided in the negative—yeas 74, nays 108; as follows:

YEAS—Messrs. Green Adams, Adrain, William C. Anderson, Babbitt, Barr, Botelor, Brabson, Briggs, Bristow, Burch, Burnham, Campbell, Coburn, Clark B. Cochrane, John Cochrane, Colfax, Cox, Curtis, Duell, Etheridge, Ferry, Fouke, Gilmer, Hall, J. Morrison Harris, John T. Harris, Hatton, Helmick, Hoard, Holman, William Howard, Hughes, Humphrey, Junkin, William Kellogg, Kenyon, Killinger, Larrabee, James M. Leach, Logan, Loomis, Mallory, Charles D. Martin, Maynard, McClernand, McKenty, McPherson, Millson, Montgomery, Laban T. Moore, Edward Joy Morris, Isaac N. Morris, Nixon, Noell, Palmer, Porter, Quarles, John H. Reynolds, Riggs, James C. Robinson, Scranton, Sedgwick, Stanton, James A. Stewart, William Stewart, Stokes, Stout, Straton, Thayer, Waldron, Webster, Wells, Wood, and Woodruff—74.

NAYS—Messrs. Charles F. Adams, Aldrich, Alley, Thomas L. Anderson, Ashley, Barret, Beale, Bingham, Blair, Blake, Bocock, Branch, Brayton, Brown, Bullinton, Burlingame, Burnett, Butterfield, Carey, Carter, Case, John B. Clark, Corwin, Covode, James Craig, Burton Craige, H. Winter Davis, John G. Davis, Dawes, De Jarnette, Delano, Dimmick, Dunn, Edgerton, Edmundson, Edwards, Elliot, Ely, English, Farnsworth, Fenton, Florence, Frank, French, Garnett, Gooch, Graham, Haskin, Hickman, Hindman, William A. Howard, Hutchins, Irvine, Jenkins, Francis W. Kellogg, Kilgore, Kunkel, DeWitt C. Leach, Leake, Lee, Longnecker, Lovejoy, Marston, Elbert S. Martin, McKean, McKnight, Moorhead, Morrill, Morse, Nelson, Niblack, Olin, Perry, Pettit, Peyton, Phelps, Potter, Pottle, Pryor, Edwin R. Reynolds, Rice, Christopher Robinson, Ruffin, Sickles, Simms, William N. H. Smith, Somes, Spaulding, Spinner, Stevens, Stevenson, Tappan, Thomas, Tompkins, Train, Trimble, Vallandigham, Vance, Wade, Walton, Cadwalader C. Washburn, Elihu B. Washburne, Whiteley, Wilson, Windom, Winslow, Woodson, and Wright—108.

So the amendment was not agreed to.

Before the vote was announced,

Mr. CARTER said: If that resolution came from a slave State, I would vote for it; but as it is, I vote "no."

Mr. SEDGWICK. I desire constitutional authority to abolish slavery in the States, and therefore vote "ay."

Mr. WOODSON. For that reason, I vote "no."

Mr. BROWN. After the declaration of the gentleman from New York, [Mr. SEDGWICK,] that he wants a national convention called in order to give the General Government power to abolish slavery; and from the further fact that I desire the Crittenden resolutions to be considered by this House as soon as possible, I vote "no."

Mr. McKEAN. Preferring the resolution of my colleague, [Mr. FENTON,] I vote "no."

Mr. PERRY stated that Mr. FOSTER was absent, attending the peace conference.

Mr. SICKLES. I hope gentlemen upon the other side of the House will repudiate the statement of my colleague, [Mr. SEDGWICK.]

Mr. MALLORY. If I believed gentlemen upon the other side of the House were actuated by the same sentiment announced by the gentleman from New York, [Mr. SEDGWICK,] I should vote against this proposition; but believing that they are not, and that the holding of such a convention will result in healing our difficulties and preserving the Union, I vote "ay."

Mr. LEACH, of North Carolina. Believing that any bad motive of any member supporting this amendment could not influence the patriotism of the country, or effect, in the slightest degree, what the member [Mr. SEDGWICK] desired, and that this amendment looks to peace, at least for the present, and hoping that, before adjourning, the expectation of the country will yet be met, by the passage of the Crittenden proposition, I vote "ay."

Mr. MARTIN, of Virginia. Mr. Speaker, I have steadfastly and uniformly—as I have been capable—done everything in my power to aid in preserving the public peace and adjusting our unhappy differences. Some time ago I introduced a resolution into this House referring the Crittenden proposition, as a basis of adjustment, to the people. The resolution was objected to by one of the Republican members.

Now, sir, I would have voted for this amendment, but that I believed it is supported by the dominant party in the House for the express purpose of preventing anything like a peaceable settlement of our troubles; and I am borne out in this belief by the remark just made by the gentleman from New York [Mr. SEDGWICK] and others of that side of the House. I wish to come to a square and fair vote upon the Crittenden proposition, and shall cast no vote which will in any way, in my judgment, retard such a result. Therefore, I vote "no."

Mr. ENGLISH. I am in favor of a convention, if no better mode can be agreed on for settling our difficulties; but for the present, I vote "no."

Mr. JOHN COCHRANE. I believe that a

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ought to resist this attempt to compel us, at this late period of the session, to pay $500,000 as an entering wedge for the whole claim—a claim which the House has deliberately decided against, and which has always been opposed by the Senators from the States where these lands were situated. I say we ought not to do it, and if the House will sustain me, the report will be disagreed to. We can then, by a two-thirds vote, send a new bill to the Senate, precisely like this, in every respect but the exclusion of these Choctaw and Sioux claims.

Mr. PHELPS. I would suggest that, instead of resorting to the course which the gentleman from Ohio indicates, another course can be pursued. I cannot approve of this report of the committee of conference. I hope the House will reject it, and will adhere to its disagreement to this Choctaw amendment, and let the bill fail at the other end of the Capitol, if they choose to let it fail.

Mr. STEVENSON. I do not know why gentlemen, and particularly the gentleman from Missouri, [Mr. PHELPS,] should show so determined an opposition against this claim of the Choctaws. He has himself, sir, to my certain knowledge, sanctioned measures to which he was originally opposed, but for the payment of which he has claimed the support of this House, on the ground of plighted faith; and yet, he tramples under his feet that plighted faith whenever it fails to come up to the uncertain standard of his own personal views.

Mr. PHELPS. I do not know what the gentleman from Kentucky means by——

Mr. STEVENSON. I will explain all that I mean; and I am responsible for all that I say.

Mr. PHELPS. I do not know what the gentleman from Kentucky means by the course of remark in which he has indulged. In the fulfillment of my duty here, I have felt it incumbent upon me to give the reasons at length why I do not believe this award made by the Senate is binding upon us. I know not to what measures the gentleman refers.

Mr. STEVENSON. I will explain.

Mr. PHELPS. So far as the Choctaw Indians are concerned, I have said this day that, as it is represented that they are in a suffering condition, I preferred making them a donation of $250,000 to relieve them from their sufferings, rather than to sanction and recognize this award. If the gentleman from Kentucky regards that as hostility to this tribe of Indians, then he mistakes friendship for hostility.

Mr. STEVENSON. I will explain precisely what I mean, so that the gentleman shall not misunderstand me. I say that the gentleman himself urged upon this floor, during this session, an appropriation for the former purchase of a Government printing establishment as essential to preserve the plighted faith of this Government; and I say that the public faith is as solemnly pledged to the payment of this claim under the treaty, and that a refusal of it is a stigma upon our national faith.

The SPEAKER *pro tempore*. The Chair must interpose, and say to gentlemen that this debate must be confined to the subject-matter of the report of the committee of conference, unless by unanimous consent.

Mr. PHELPS. One word of explanation with regard to the matter to which the gentleman from Kentucky has referred. That was an appropriation to carry out a law passed by both Houses of Congress, which directed the Superintendent of Public Printing either to erect or to procure a printing establishment; and the contract made by him was not to be valid until it was approved by the committee of this House, and the committee of the Senate. When the organized committees of the House and the Senate approved of the contract which the Superintendent had made, I considered it an approval both by the House and the Senate, and therefore I favored the appropriation for the purchase of that printing office. But I had voted against and resisted the bill proposing to fasten a printing establishment upon this Government, believing that it was wrong, unjust, and improper.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PATTON, one of their clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill of the Senate, in addition to an act to promote the progress of the useful arts.

INDIAN APPROPRIATION BILL—AGAIN.

Mr. STEVENSON. The gentleman from Missouri says that he voted against the bill providing for the establishment of a Government printing office, and yet he voted for the appropriation to pay for it. Why? Because he thought the plighted faith of the Government demanded it. That is just the point I make on him now.

Mr. CAREY. I ask if this discussion is in order.

Mr. HOWARD, of Michigan. I cannot yield further.

The SPEAKER *pro tempore*. This debate is not in order, except by unanimous consent.

Mr. PHELPS. One word.

Mr. HOWARD, of Michigan. I believe I am entitled to the floor, and I decline to yield further.

Mr. STEVENSON. I hope the gentleman from Michigan will allow me to go on with what I was saying.

Mr. HOWARD, of Michigan. No, sir.

Mr. STEVENSON. The gentleman from Missouri says that he based his vote for that appropriation to pay for the Government printing office upon the ground that the faith of the Government was pledged to it, and upon no other; and I say that the same reason which controlled that vote, demands his support of this.

Mr. CAREY. I call the gentleman to order.

The SPEAKER *pro tempore*. The Chair must arrest this line of debate. The Chair hopes the gentleman from Kentucky will confine his remarks to the subject-matter of the report of the committee of conference.

Mr. STEVENSON. I am doing so, sir. I cited the case of this printing office to show that the same reason which operated in one case should govern in the other——

Mr. CAREY. I insist upon the decision of the Chair being enforced.

Mr. STEVENSON. Well, let the gentleman insist, and let the Chair decide between us.

Mr. CAREY. I will insist.

Mr. STEVENSON. Well, do so.

Mr. CAREY. I intend to.

The SPEAKER *pro tempore*. The Chair decides that the debate must be confined to the subject-matter of the report, and the printing office has nothing to do with the report.

Mr. STEVENSON. I have endeavored to confine myself strictly to the report of the conference committee; and all these interruptions have been unnecessary. I was arguing in favor of concurring in the report of the committee of conference; and by way of illustration and precedent, I was attempting to show that the action of the House in sustaining an appropriation for the purchase of the Government printing house rested on the same basis on which the present recommendation rests. The Committee of Ways and Means recommended and supported that appropriation, because the public faith was pledged to it; and we are supporting this one because we consider that this sum of money is due these Indians under a solemn treaty entered into by the Government, and ratified by the Senate, and under which this award has been made. In what consists the difference? The treaty with the Choctaws, and the award under it, are more solemn and binding acts than a mere joint resolution of the two Houses to buy a printing establishment. If gentlemen have a right to go behind the treaty and award of the Senate, why had they not a right to go behind that joint resolution? This report of our conference committee has been a compromise between the Senate and this House. The Senate has receded from the original amount of their amendment; and we have determined to recommend the payment of $500,000 to these Indians on a claim that the Senate think just and valid. The gentleman from Ohio and the gentleman from Missouri get up here, and lecture us on this concession to the Senate. Because this House disagreed to the original amendment, and refused to sanction it, is it any concession on the part of this House to meet the Senate in a compromise of their antagonism of opinion? Is not such a course sanctioned by the practice of this House? Have not the Senate as much right to adhere as this House to insist on its disagreement? Such a course would defeat the bill. Have not the gentlemen themselves pursued daily the course which they condemn to-day? Both of them have yielded in committees of conference to the adoption of amendments of the Senate to which this House was as much opposed as this.

Mr. SHERMAN. I will state again, with the leave of the gentleman, that——

Mr. STEVENSON. Not now. I must go on. All I said was, that this conference report was a yielding up in part of the opinion of the Senate and the House on this particular amendment. It is not an absolute concession of one House to the other; but a compromise by both. No man can dispute that there is more due the Choctaws than the amount of this amendment; and no member of the Committee of Ways and Means can point out any Senator who will not admit that as much or more money will be, under any estimate, coming to them than we have reported. The sum thus reported will be a credit on the amount due. If there be fraud or mistake, it can be hereafter investigated, both as to the treaty and award.

Mr. BINGHAM. I rise to a question of order. I desire to know who is entitled to the floor?

The SPEAKER. The gentleman from Michigan, and he has yielded it the gentleman from Kentucky.

Mr. BINGHAM. I insist that he shall yield the floor unconditionally, if he yields it at all.

Mr. PHELPS. I desire to make an inquiry in this connection.

Mr. HOWARD, of Michigan. I am entitled to the floor, and I now claim it.

Mr. PHELPS. Will the gentleman from Michigan yield the floor a moment?

Mr. HOWARD, of Michigan. After a while I will; but not now.

Mr. PHELPS. Only one moment, for a matter between the gentleman from Kentucky and myself.

Mr. HOWARD, of Michigan. I do not yield.

Mr. PHELPS. I have the right, I think, to make an inquiry of the gentleman from Kentucky.

Mr. HOWARD, of Michigan. You can wait until I get ready. I will yield in a moment; not now.

Mr. PHELPS asked a question of the gentleman from Kentucky which was not heard by the reporters.

Mr. HOWARD, of Michigan. I am entitled to the floor. It is the universal practice in this body to allow members to yield the floor to colleagues upon a committee without losing the right to the floor, or asking the consent of the House. I have undertaken to do so, and am willing to do so yet; but I hope the debate will be strictly confined to this report. I will now yield to the gentlemen from Missouri and Kentucky for personal explanation, and I hope the question of order will not be raised, and that the Chair will see to it that debate is confined to the report.

Mr. STEVENSON. One word in regard to the question put to me by the gentleman from Missouri upon a personal matter. He says that when I spoke of his urging the appropriation for the establishment of a Government printing office, I used the word "electioneering." I was unconscious of using that word. If I did so, I certainly did not intend to use that word in any personal or offensive sense to the gentleman from Missouri. I intended to say that, when the gentleman was urging that appropriation—not electioneering—publicly here, as a member of this House, he planted himself upon the ground of plighted faith. It gives me great pleasure to set myself right by disavowing any intention of using the word in any offensive sense.

Mr. PHELPS. I am satisfied with the explanation of the gentleman from Kentucky. It was only the word "electioneering," that was offensive to me. I did not suppose that the gentleman from Kentucky intended to do me any injustice in this matter.

Mr. STEVENSON. Certainly not. I urged warmly, if the public faith required us—as urged by you—to make that appropriation in one case, why does not the same public faith require us to do justice in another, exactly resembling it? Why should this case be made an exception? Is there no outside reason; is there no local motive operating upon gentlemen on the other side of the House? Has the gentleman from Ohio no such reason?

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hand; but the time we have remaining will not allow me to go into a consideration of it, or to read it to the House. Suffice it to say that the objections the Secretary of the Interior puts forth in that letter were made in the Senate, and they were fully met and answered by two able and distinguished Senators—if I may be permitted to transgress the rules so far as to mention them—by Senator BENJAMIN and Senator PEARCE. They showed that, so far from the fees of the clerks and marshals being raised to the enormous extent suggested in the letter of the Secretary of the Interior, they were largely cut down by the act of 1853, and most of the abuses of which he speaks were then corrected. They showed, however, that the obligations under that law, of the clerks, marshals, and others, to come here to present their accounts, rendered it very difficult in many localities to fill these offices; and that in many cases they could not be filled at all by competent persons. It was shown in that discussion that by the operation of this bill, if it should become a law, the compensation of these officers would not, in most cases, go beyond the maximum now received by them under the existing law. I say the bill was fully discussed by Senator BENJAMIN and others, and was then passed by the Senate by a vote of 25 to 18, which, as I contend, is a *prima facie* circumstance in favor of the correctness of this bill.

When the bill came to this House it was referred to the Committee on the Judiciary; and, so far as I was concerned, I endeavored to give it the best consideration and examination in my power. The report of that committee was ordered to be printed by the House. I will maintain, for instance, that the pay of the clerk of the criminal court of the District of Columbia is most unwarrantably and unreasonably cut down. I maintain that he is entitled to a fair compensation from this Government. But I have no time to go into any discussion of the matter.

The question was taken; and the bill was laid on the table.

PATENT LAWS.

Mr. COX. I now call up the report of the committee of conference on Senate bill No. 10, to amend the act for the promotion of the useful arts.

The report was read, as follows:

The committee of conference, on the disagreeing votes of the two Houses, on the amendments to Senate bill No. 10, entitled, "An act in addition to an act to promote the progress of the useful arts," having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses, as follows:

Strike out all after the word "that," in the sixteenth section, and insert in lieu thereof the following:

All patents hereafter granted shall remain in force for the term of seventeen years from the date of the issue, and any extension of such patents is hereby prohibited.

Mr. COX. I move to concur in the report of the committee of conference; and call for the previous question on the motion.

Mr. HOARD. I rise to a question of order on the reception of that report.

Several MEMBERS. Read the report again.

Mr. COX. I will state for the information of gentlemen that the report simply provides that patents may run seventeen years, and then there shall be no extension.

Mr. CAREY. I want the section read which it is proposed to strike out.

The Clerk read, as follows:

"SEC. 16. *And be it further enacted*, That there shall be no extension of any patent, when it shall appear to the Commissioner that the profits of the sale of such patent, including sales made by the assignee or assignees of the invention shall amount to $100,000."

Mr. HOARD. Now, Mr. Speaker, I rise to a question of order. It is that the disagreement between the two Houses has not been composed by the report of the committee of conference. They have acted outside the matter referred to them by the two Houses. The state of the case is precisely this: this House passed a provision declaring that no extension of any patent shall hereafter be granted when the profits on the sales shall exceed $100,000, including the sales made both by the patentee and assignee. The Senate proposed to amend that amendment so as to provide that no extension shall be granted when the profits of the patentee, exclusive of the sales made by the assignee, shall exceed $100,000.

The SPEAKER. The gentleman can state his question of order; but he must not make an argument.

Mr. HOARD. My point of order is, that the committee of conference have acted outside the matter referred to them, and have proposed new legislation.

The SPEAKER. The Chair understands that the Senate have received the report of the committee of conference and accepted it. He does not now see what action the House can take in the matter, except to affirm or disaffirm it.

Mr. HOARD. I wish to state further my point of order.

The SPEAKER. The gentleman may state it, but he cannot argue it.

Mr. HOARD. What I desire to say is this: that the action of the two Houses was only in reference to existing patents, and that was all that was referred to the committee of conference. But they have stricken out all in reference to existing patents, and provided that new patents may be granted for a term of seventeen years, and that there shall be no extension after that.

Mr. WASHBURNE, of Illinois. I rise to a question of order. The gentleman is not making a point of order, but a speech. I ask that he shall state his question of order, and let the Chair decide it.

Mr. HOARD. I have stated my point of order.

The SPEAKER. The Chair does not see any thing in the point of order.

Mr. WASHBURNE, of Illinois. Now, I desire to make a single statement in reference to this report. I do not think the House understands it.

Mr. COX. I think the House does understand it, and I have called the previous question on its adoption.

Mr. WASHBURNE, of Illinois. If the gentleman will allow me for a minute; I was a member of the committee of conference and I will explain precisely how it stands.

The SPEAKER. Debate is not in order. The gentleman from Ohio has demanded the previous question.

Mr. COX. And I hope the question will be taken without delay. If the bill is to become a law, the report must be acted on immediately.

Mr. HOARD. What does the Speaker do with my question of order?

The SPEAKER. The Chair has overruled the gentleman's question of order at least three times.

Mr. WASHBURNE, of Illinois. I hope that the gentleman from Ohio will withdraw his demand for the previous question until I can explain to the House how this matter stands. [Cries of "Order!"]

Mr. COX. If we go into a debate, we will lose this valuable bill. The President will sign it if it is passed in time. [Cries of "Order!"] I decline to withdraw the demand for the previous question.

Mr. WASHBURNE, of Illinois. I hope, then, that the demand for the previous question will not be seconded.

The previous question was seconded, and the main question ordered.

Mr. LOVEJOY. I move that the report of the committee of conference be laid upon the table.

Mr. COX. This is a valuable bill, and ought to be saved.

Mr. CAREY. I say that it is not a valuable bill, and I demand the yeas and nays.

The yeas and nays were not ordered.

Mr. LOVEJOY demanded tellers.

Tellers were ordered; Messrs. LOVEJOY and FLORENCE were appointed.

The question was taken; and the tellers reported—ayes 53, noes 71.

So the House refused to lay the report upon the table.

Mr. LOVEJOY. I demand the yeas and nays on the adoption of the report.

The yeas and nays were ordered.

Mr. FARNSWORTH. Let the report be read.

Mr. JOHN COCHRANE. I object to the reading of the report. It has been read three or four times.

The SPEAKER. The report cannot be read; objection being made.

The question was taken; and it was decided in the affirmative—yeas 103, nays 54; as follows:

YEAS—Messrs. Green Adams, Adrain, Aldrich, Barr, Barret, Brabson, Brayton, Briggs, Bristow, Buffinton, Burch, Burlingame, Burnett, Burnham, Campbell, Carter, Case, John B. Clark, John Cochrane, Colfax, Cox, James Craig, Curtis, H. Winter Davis, John G. Davis, Dawes, De Jarnette, Dunn, Edgerton, Edmundson, Ely, English, Etheridge, Fenton, Ferry, Florence, Foster, Frank, French, Garnett, Gooch, Gurley, Hale, Hall, Hatton, Hickman, Hoard, William Howard, Humphrey, Kenyon, Killinger, Kunkel, Lansdale, James M. Leach, Mallory, Marston, Elbert S. Martin, Maynard, McKean, McKnight, Moorhead, Morrill, Edward Joy Morris, Isaac N. Morris, Morse, Nelson, Nichlack, Nixon, Palmer, Pettit, Peyton, Porter, Potter, Pryor, Quarles, Rigs, Christopher Robinson, James C. Robinson, Royce, Sickles, William N. H. Smith, Somes, James A. Stewart, William Stewart, Stout, Stratton, Tappan, Thayer, Tompkins, Vallandigham, Vance, Vandever, Van Wyck, Verree, Wade, Walton, Elihu B. Washburne, Whiteley, Wilson, Windom, Wood, Woodruff, and Woodson—103.

NAYS—Messrs. William C. Anderson, Avery, Beale, Bingham, Blake, Bocock, Branch, Butterfield, Carey, Horace P. Clark, Coburn, Conway, Eliot, Farnsworth, Fouke, Graham, Grow, John T. Harris, Helmick, Holman, William A. Howard, Hughes, Hutchins, Irvine, Junkin, Francis W. Kellogg, DeWitt C. Leach, Lee, Loomis, Lovejoy, McClernand, McKenty, McPherson, Millson, Noell, Olin, Perry, Phelps, Pottle, Edwin R. Reynolds, Ruffin, Sedgwick, Sherman, Spaulding, Spinner, Stanton, Stevens, Stokes, Thomas, Train, Trimble, Waldron, Cadwalader C. Washburn, and Wells—54.

So the report was adopted.

During the vote,

Mr. SHERMAN said: I ask the unanimous consent of the House to take up and pass a joint resolution which has just come from the Senate. It is a resolution to correct certain errors of the engrossing clerks of the Senate. I hope there will be no objection. It passed the Senate unanimously.

Mr. BARR. I object.

Mr. SHERMAN. I move, then, the usual resolution: that a committee of three be appointed by the Speaker to join such committee as may be appointed on the part of the Senate, to wait upon the President of the United States, and inquire whether he has any further communication to make to the two Houses, as they are about to adjourn *sine die*.

There was no objection, and the motion was agreed to.

The Speaker appointed Messrs. SHERMAN, ETHERIDGE, and BOCOCK, the committee on the part of the House.

Mr. STEWART, of Maryland. I ask the unanimous consent of the House for leave to publish in the Globe remarks upon the report of the select committee of thirty-three. I was absent during the discussion of that report, and, since my return, I have had no opportunity of addressing the House on the subject.

There was no objection; and it was so ordered.

[His remarks will be published in the Appendix.]

Mr. MORRILL. I move to dispense with the reading of the list.

Mr. THOMAS. I object.

The vote was announced as above recorded.

Mr. COX moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

DUTIES ON IMPORTS AND TONNAGE.

Mr. JOHN COCHRANE. I ask unanimous consent of the House to take up and put upon its passage Senate bill No. 215, to amend the provisions of the fifty-sixth section of an act entitled "An act to regulate the collection of duties on imports and tonnage," approved March 2, 1799.

There was no objection.

Mr. HUTCHINS. This, in theory, at least, is a deliberative body, and we ought to know what is going on.

Mr. THOMAS. How does this bill get before the House?

The SPEAKER. By unanimous consent.

Mr. THOMAS. I object. [Cries of "Too late!"]

The bill was read. It provides that whenever any goods, wares, or merchandise, shall be imported into any port of the United States from any foreign port, in any ship or vessel, at the expiration of eight working days, if the ship or vessel shall be less than three hundred tons burden, and within twelve working days if it be of three hundred tons burden and less than eight hundred, and within fifteen days if it be of eight hundred tons burden and upwards, after the time within which the report of the master or person having charge or command is required to be made to the collector of the district, if there shall be found any goods, wares, or merchandise, other than shall have been reported for some other district, or some foreign port or place, the collector

THE CONGRESSIONAL GLOBE:

CONTAINING

THE DEBATES AND PROCEEDINGS

OF THE

FIRST SESSION OF THE THIRTY-SIXTH CONGRESS:

ALSO, OF THE

SPECIAL SESSION OF THE SENATE.

BY JOHN C. RIVES.

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LEGISLATIVE INTENT SERVICE (800) 666-1917

THE CONGRESSIONAL GLOBE:

v. 30, pt. 2

CONTAINING

THE DEBATES AND PROCEEDINGS

OF THE

SECOND SESSION OF THE THIRTY-SIXTH CONGRESS:

ALSO, OF THE

SPECIAL SESSION OF THE SENATE.

BY JOHN C. RIVES.

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THIRTY-SIXTH CONGRESS, 1st SESSION. TUESDAY, DECEMBER 13, 1859. NEW SERIES.....No. 7.

ure of the rights of the South, then the minority will soon become a prey to the ambition and cupidity of the majority.

Gouverneur Morris, in writing to Mr. Pickering—and he is authority I presume on the other side of the House—said that "the legislative lion is not to be entangled in the meshes of a logical net—that the legislature will always make the power they wish to exercise." Limitations of power contained in the Constitution and reservations of undelegated powers are of no avail unless they, for whose benefit they are imposed and reserved, have the power to enforce the limitations and protect the reservations against encroachment. It is idle to expect the delegated powers to protect the reserved; it is nonsense to give a right without a remedy, or a remedy without the means of applying it. It is folly to talk of the minority relying for the protection of their rights upon the privilege of protest, complaint, and remonstrance. No, every separate community must be able to protect itself. Power must be met by power.

If the majority can control this Government, interpreting the Constitution at its will, then this Government is a despotism. Whether wise or unwise, whether merciful or cruel, it is a despotism still.

Mr. Clerk, this power of self-protection, according to my judgment and my theory of politics, resides in each State. Each has the right of secession, the right of interposition, for the arrest of evils within its limits. The means of resistance to oppression are ample; and it is a sad misfortune, sir, that these effective remedies have not been oftener applied. A more frequent application of the remedy would make the will commensurate with the means, inspire moral greatness, embolden courage, make resistance a duty, and equality a necessity.

Mr. Clerk, if our Democratic friends, with the aid of American friends, or of Republicans, who may come to the rescue, as I trust many of them will, be not able to interpose for the security of the South, and for the preservation of the Constitution, I, for one, shall counsel immediate and effective resistance, and shall urge the people to fling themselves upon the reserved rights and the inalienable sovereignty of the State to which I owe my first and last allegiance. [Applause.]

Mr. KILGORE obtained the floor.

Mr. JOHN COCHRANE. If the gentleman will yield, I will move that the House adjourn. It is late, and members are impatient.

Mr. KILGORE. I yield for that purpose.

PERSONAL EXPLANATION.

Mr. KELLOGG, of Illinois. With the permission of the House, I will make a personal explanation. I should be doing violence to my own feelings and sense of propriety if I did not, at this early opportunity, make an apology to this House for any act I may have committed in the unpleasant, and, to me, much regretted occurrence in this Hall on yesterday. It was an offense to its dignity and a breach of its decorum, and I express my regrets that it should have happened, and tender to the House my sincere apology.

Mr. LOGAN. Mr. Clerk, after what has been stated by my worthy colleague, I conceive that it is due from me to state that if, yesterday, in the excitement of debate, I violated any of the rules of the House or of its decorum, I did so unintentionally. If I violated the decorum of this deliberative body I assure the House that I was actuated by no malice. I regret the scene which occurred yesterday, and I trust that it may have no tendency, whatever, to mar any of the kindly relations which have heretofore existed between any of the members of this House.

Mr. JOHN COCHRANE. After this cheering manifestation of a return of cordial feeling to members, I move that the House adjourn.

Mr. BUFFINTON demanded the yeas and nays.

The yeas and nays were ordered.

Mr. BURNETT. I appeal to the gentleman from New York to withdraw the motion to adjourn. If the time is to be taken up with calling the yeas and nays, the gentleman from Indiana had better go on with his speech.

Mr. KILGORE. I am willing that the House should adjourn at this time, for I would prefer to postpone my remarks until Monday. If we could have a vote for Speaker to-night, I would much prefer it; but I am assured by the gentlemen of the other side that that is impossible.

Mr. JOHN COCHRANE withdrew the motion to adjourn; and Mr. KILGORE yielding for that purpose, it was renewed by Mr. HICKMAN.

Mr. GROW demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 112, nays 108; as follows:

YEAS—Messrs. Adrain, Thomas L. Anderson, William C. Anderson, Avery, Barksdale, Barr, Barrett, Bocock, Bonham, Boteler, Bouligny, Boyce, Brabson, Branch, Briggs, Bristow, Burch, Burnett, Case, John B. Clark, Clopton, John Cochrane, Cooper, Cox, Burton Craige, Curry, Davidson, H. Winter Davis, John G. Davis, Reuben Davis, De Jarnette, Dimmick, Edmundson, English, Etheridge, Florence, Fouke, Garnett, Gartrell, Hamilton, Hardeman, J. Morrison Harris, John T. Harris, Hatton, Hawkins, Hickman, Hill, Hindman, Houston, Jackson, Jones, Keitt, Kilgore, Kunkel, Lamar, Larrabee, James M. Leach, Leake, Logan, Love, Maclay, Mallory, Elbert S. Martin, Maynard, McClernand, McQueen, McRae, Miles, Millson, Montgomery, Laban T. Moore, Sydenham Moore, Morrill, Edward Joy Morris, Isaac N. Morris, Morse, Nelson, Niblack, Noell, Pendleton, Pettit, Peyton, Phelps, Pryor, Pugh, Quarles, Reagan, Riggs, James C. Robinson, Ruffin, Scott, Sickles, Simms, Singleton, William Smith, William N. H. Smith, Stanton, Stevenson, James A. Stewart, Stokes, Stout, Taylor, Thomas, Underwood, Vallandigham, Vance, Walton, Webster, Whiteley, Winslow, Woodson, and Wright—112.

NAYS—Messrs. Charles F. Adams, Aldrich, Allen, Alley, Ashley, Babbitt, Beale, Bingham, Blair, Blake, Brayton, Buffinton, Burlingame, Burnham, Butterfield, Campbell, Carey, Carter, Horace F. Clark, Cobb, Colfax, Conkling, Covode, James Craig, Curtis, Dawes, Delano, Duell, Dunn, Edgerton, Edwards, Eliot, Ely, Farnsworth, Fenton, Ferry, Foster, Frank, French, Gilmer, Gooch, Graham, Grow, Gurley, Hale, Hall, Haskin, Helmick, Hoard, Holman, Howard, Humphrey, Hutchins, Irvine, Junkin, Francis W. Kellogg, Kenyon, Killinger, DeWitt C. Leach, Lee, Longnecker, Loomis, Lovejoy, Marston, Charles D. Martin, McKean, McKnight, McPherson, Moorhead, Nixon, Palmer, Pennington, Perry, Porter, Potter, Pottle, Reynolds, Rice, Christopher Robinson, Royce, Schwartz, Scranton, Sedgwick, Somes, Spaulding, Spinner, Stevens, William Stewart, Stratton, Tappan, Thayer, Theaker, Tompkins, Train, Trimble, Vandever, Van Wyck, Verree, Wade, Waldron, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, Wells, Wilson, Windom, and Woodruff—108.

During the call,

Mr. HINDMAN stated that his colleague, Mr. RUST, had paired off with Mr. WOOD for this day and Monday.

Mr. BONHAM stated that he had been requested to announce that Mr. CLEMENS, who is not well, had paired off with Mr. MILLWARD until Wednesday at twelve o'clock, m.

Mr. STANTON stated that his colleague, Mr. CORWIN, being indisposed, had paired off for this day with Mr. CRAWFORD.

So the motion was agreed to; and thereupon, at a quarter past three o'clock, p. m., the House adjourned.

IN SENATE.

MONDAY, *December* 12, 1859.

Prayer by Rev. P. D. GURLEY, D. D.

The Journal of Thursday was read and approved.

PETITIONS AND MEMORIALS.

Mr. DOOLITTLE presented the petition of Raymond Reynolds, a soldier in the war of 1812, praying to be allowed a pension; which was ordered to lie on the table until the committees shall be appointed.

Mr. TRUMBULL presented the petition of officers of the Washington navy-yard and citizens of Washington, praying for an appropriation for graveling Eighth street east, or Garrison street, from its intersection with Pennsylvania avenue to the navy-yard gate; which was ordered to lie on the table until the committees shall be appointed.

PAPERS WITHDRAWN.

On motion of Mr. CHESNUT, it was

Ordered, That the petition and papers of William E. Haskell, for himself and other heirs of William Thompson, an officer in the revolutionary war, praying to be allowed the commutation pay due their ancestor, be withdrawn from the files of the Senate, and lie on the table until the committees shall be formed.

NOTICES OF BILLS.

Mr. GRIMES gave notice of his intention to ask leave to introduce a bill to reimburse the State of Iowa for expenses incurred in the suppression of Indian hostilities within her jurisdiction, in the years 1857 and 1858.

Mr. MALLORY gave notice of his intention to ask leave to introduce a bill to amend an act entitled "An act to amend an act entitled 'An act to promote the progress of the arts.'"

Mr. HEMPHILL gave notice of his intention to ask leave to introduce the following bill and joint resolution:

A bill making an appropriation for the support of a regiment of Texas mounted volunteers authorized by the act of Congress of February, 1858; and

A joint resolution making an appropriation for the payment of certain volunteer troops called into service by the Governor of the State of Texas for the protection of the frontier of said State, and to reimburse to said State the amount advanced by her on account thereof.

ORGANIZATION.

Mr. DAVIS. I offer a resolution to the Senate; and, as I shall ask its consideration when it is read, I will explain the object of it.

The Secretary read it, as follows:

Resolved, That a committee of three be appointed to inform the President that the Senate is in session, and ready to receive any communication which he may address to it.

Mr. DAVIS. The reason for presenting the resolution, and asking for its present consideration, is, that a case, which I believe is not usual, has occurred. Since the meeting of the Senate, a district attorney has died, and the court is embarrassed for the want of a successor. The President cannot appoint, because the Senate is in session; but yet he is not officially informed that the Senate is in session; and, therefore, he has no right to send us a nomination. In order to remove this difficulty, I propose the raising of this committee. I ask for the present consideration of the resolution.

The resolution was considered, by unanimous consent, and agreed to.

Mr. DAVIS. I move that the committee be appointed by the Chair.

The resolution was agreed to; and Messrs. DAVIS, CRITTENDEN, and FOOT, were appointed.

Mr. DAVIS subsequently said: The committee appointed by the Senate to wait on the President and inform him that the Senate is ready to receive such communications as may be made to this body, have discharged that duty, and report that the President answered that he would to-morrow have a communication of an executive character, which he would send to the Senate.

CHAPLAINS TO THE SENATE.

Mr. BIGLER. I offered a resolution on Thursday last, before the Senate adjourned, in reference to the selection of Chaplains for the Senate. I ask the Senate to consider that resolution at this time.

There being no objection, the Senate proceeded to consider the following resolution:

Resolved, That the President of the Senate be authorized and requested to invite such officiating clergymen of the District of Columbia as the office may be acceptable to, to officiate as Chaplains to the Senate during the present session, and in such alternation as may be agreeable to them.

Mr. WILSON. I objected to that resolution when it was introduced, because I think the experiment we have tried ought to satisfy us that we had better return to the policy of electing a Chaplain to the Senate. I know, sir, there was complaint in the Senate and in the country before we adopted the plan of inviting the clergymen of the city to officiate here. That grew out of electioneering; out of the fact that clergymen came to

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THE CONGRESSIONAL GLOBE:

CONTAINING

THE DEBATES AND PROCEEDINGS

OF THE

FIRST SESSION OF THE THIRTY-SIXTH CONGRESS:

ALSO, OF THE

SPECIAL SESSION OF THE SENATE.

BY JOHN C. RIVES.

CITY OF WASHINGTON:
PRINTED AT THE OFFICE OF JOHN C. RIVES.
1860.

LEGISLATIVE INTENT SERVICE (800) 666-1917

by the Republican party, should they obtain power and the control of this Government. They profess that they will not interfere with the institution of slavery in the States; but they intend by legislative enactment—and, if I am mistaken, I hope some gentleman will rise and correct me—to confine slavery to its present limits; they intend to exclude the people of the South, or their peculiar institution, slavery, from the common territory of the country; they have nullified the fugitive slave law; and, not only that, but they intend that not another slave State shall ever be admitted into the Union. And yet you, one of the Representatives of the people of Kentucky, the Representative of a slaveholding constituency—of those who stand by the Constitution as it is—announce in your place here, to-day, that under no circumstances will you vote for a Democrat against the candidate of such a party.

Sir, the people of our section are holding their breath, disguise it as we may. Every word uttered and every action here is critically weighed by them and will have to be accounted for to them. I am no disunionist. I make no speeches pledging my people as to what they will do, because I do not know. I never say what my people intend to do, but I am with Kentucky, let her position be what it may; and I tell you that there is not a single southern State whose citizens will stand the inauguration or adoption of any such policy as that proposed by the Black Republican party—never!

Now, sir, my colleague will permit me to disturb his pure mind for a moment, by way of refreshing his memory. He cannot vote for General MILLSON, because General MILLSON voted against the repeal of the Missouri compromise, and yet my distinguished colleague was one of Millard Fillmore's electors in the State of Kentucky, who was opposed to the repeal of the Missouri compromise. And my colleague, upon every stump in his district, called upon the freemen of Kentucky to rally around the standard of Millard Fillmore who, like General MILLSON, but for different and objectionable reasons, opposed its repeal. Now, sir, one more remark and I have done.

Mr. GILMER. The gentleman alluded to me. Will he allow me to say a word?

Mr. BURNETT. No, sir, not now.

Mr. HILL. I think I have been very indulgent to the gentleman from Kentucky and have proved, what all gentlemen know, that I am a good-tempered man.

Mr. BURNETT. I have not yet yielded the floor.

Mr. HILL. The gentleman had the floor only by my sufferance, and I must say that the debate has taken a range which I had no apprehension of, or I would not have yielded the floor.

Mr. BURNETT. I will not trouble the House much longer. I want to ask my distinguished colleague one question respectfully. My information may be wrong, but I have been informed, and have seen it stated in the papers, that my colleague made a pledge to his people, on the stump, that when his vote was needed, between a Democrat and a Republican, he would give it to the Democrat? Is that true?

Mr. ANDERSON, of Kentucky. I answer, yes. I said that.

Mr. BURNETT. And yet only five minutes ago, you said that you would never vote for a Democrat.

Mr. ANDERSON, of Kentucky. I never said so.

Mr. BURNETT. I stand corrected, then.

Mr. ANDERSON, of Kentucky. Let me correct you right here. I have not stated that I would never vote for a Democrat. I gave my reasons for not voting for General MILLSON. I have not said that I will never vote for a Democrat; but I say that the contingency in which I will do so, has not yet arisen. I did say, in every speech I made throughout the contest, that if ever I was bound to choose between a Democrat and a Republican, I would vote for a Democrat; but that issue has not come, and I hope to God it never will come. [Laughter and applause.]

Mr. BURNETT. Now, I want to say another thing. There is such a thing as prejudging a case, and I wish the attention of the Republican party, many of whom I know personally and respect as men. My colleague tells you that his seat is contested, because it may control the vote of Kentucky in the next presidential election. I tell this House that his seat is contested, because, upon the face of the poll-books, he did not have a majority of the votes. That is the reason his seat is contested, and that is all I have to say upon that point. Now, I ask my colleague if he did not tell his constituents that if the election of President was carried into the House of Representatives he would vote for a Democratic President?

Mr. ANDERSON, of Kentucky. No, sir; I never said that.

Mr. BURNETT. Then, I stand corrected again.

Mr. HILL. Mr. Clerk, I believe I have the floor, and I will say to the gentleman from Kentucky that he need never to ask me for it again, for he will not get it if he does. [Laughter.]

Mr. BURNETT. I announced to the gentleman what my purpose was in seeking the floor.

Mr. HILL. I certainly did not hear him announce that it was his purpose to stigmatize the party to which I am proud to belong, as "the miserable Know Nothing party." Let me tell the gentleman that I voted for General MILLSON to-day because I respected his manliness in voting, as he ought to have voted, against the Kansas-Nebraska bill. My people know my sentiments, and those gentlemen who were here in Congress know just where I stand. I voted for him because I had confidence that if placed in the chair he would be incapable of appointing any white-washing committees for this Administration, or for anybody else. Does the gentleman understand me? I came here against the opposition of the Democratic party, and certainly not by their favor. I came here as a southern man, with some peculiar sentiments, and rather more southern, I think, than the gentleman from Kentucky. I avowed before my people that when a case arose under this Government, where there was a southern Territory where the institution of slavery might go, and the South should call upon Congress to give her protection for her slave property and it should be refused, I would join the ultra South in any course it might adopt. That is my position; I will not go for a general law.

But I have said another thing, and I want gentlemen to understand me. Never, never, so help me God, when any man is elected by the forms of the Constitution of the country to the office of President, to which any miscreant is entitled to be elected, will I help to tear down the great structure under which we live. [Applause in the galleries.] I will rather believe that he will, like some hypocrites who have been honored by the people with that office, kick away the ladder upon which he mounted, and show them that when he has taken upon himself the obligation to support the Constitution, he will administer the Government in such a manner that the people will be content. I will await the development of some unlawful purpose, something aimed to crush my section of the country, before I consent to strike the fatal blow.

These are my sentiments. I am a Union man; for a constitutional Union, and no other. In the contest now before us, I have voted for a man upon the Democratic side of the House, and there are other gentlemen on the same side for whom I would vote with great pleasure. But I distinctly state here, that if there be a man that treads this earth who feels one inch taller or in any way purer than myself, I spurn him from my acquaintance; but as for that "miserable" party of Know Nothings——

Mr. BURNETT. If the gentleman will allow me for a moment, I think he will be satisfied that he does me injustice. I am a frank man, and I think if the gentleman will hear me he will be satisfied. Now, I will say to this House that my course upon this floor, gentlemen will bear me witness, has been courteous in every respect; and I say now, that if I used the expression "miserable party," it was not used in an offensive sense, and if so regarded I take pleasure in withdrawing it.

Now, will the gentleman permit me one word further? If the gentleman understands me as announcing that I am for dissolving the Union upon the election of WILLIAM H. SEWARD, he misunderstands me. I said this, and as a southern man I repeat it with emphasis—that I am not sent here to dissolve this Union. This Union was created by sovereign States, and it takes sovereign States to dissolve it. Not only that, I say here that when SEWARD is elected upon his policy, then I hope the southern States of this Union will speak, and that old Kentucky, my native State—"the dark and bloody ground"—will take that course which is due to her history and position. But, sir, whatever she does, she will have this right arm and this manly heart to back her. I have done.

Mr. HILL. If the gentleman takes back the expression which he used and which I objected to, I have nothing further to say upon that point. I will, however, make this additional remark, to show why I came to this Congress at all. As I have stated on all proper occasions, my object was to aid in a humble degree in breaking up the two organizations, right and left, the Democratic and the Republican parties, and in erecting upon their ruins a better party for this nation. [Applause and laughter.] It was my desire to do that; and my whole great purpose now is to do it. That great party for the security of the Union is to result from the salutary American principles I profess. These are my views.

Mr. SMITH, of Virginia. I move that the House adjourn.

Mr. ANDERSON, of Kentucky. With the gentleman's permission I will make a brief explanation.

Mr. HILL. I yield to the gentleman for an explanation.

Mr. ANDERSON, of Kentucky. As I remarked before, I do not desire to trespass upon the patience of the House for the purpose of making a speech. I desire a speedy organization of this House. I have desired it, and I still desire it. My worthy colleague from Kentucky, for some reason or other, I do not know what, has seen fit to propound certain questions to me. With a view of doing myself justice, I trust I shall have the privilege to make a response to them. He asked me whether or not I did not state, in my canvass in Kentucky, that I would vote for a Democratic President in case the election came to this House in 1860. I say that I did not. I stated before, that I said in the contest for Speaker, if compelled to choose between a Democrat and a Republican, I would vote for a Democrat if they carried out the principles which they avow before the country. I never said anything in regard to the President.

Here Mr. ANDERSON yielded to

Mr. ETHERIDGE, who moved that the House adjourn; which motion was agreed to.

Thereupon, the House (at twenty minutes past five o'clock, p. m.) adjourned.

IN SENATE.

THURSDAY, *December* 22, 1859.

Prayer by the Chaplain, Rev. P. D. GURLEY, D. D.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATIONS.

Several executive communications were received from the President of the United States by the hands of JAMES BUCHANAN, jr., Esq., his Secretary.

HEATING THE CAPITOL.

The PRESIDENT *pro tempore* laid before the Senate the following letter:

OFFICE UNITED STATES CAPITOL EXTENSION,
WASHINGTON, *December* 12, 1859.

SIR: I have the honor to inform you that the heating and ventilating apparatus of the north wing is now ready to turn over to the control of the officers of the Senate.

Since the adjournment of the last Congress, some alterations have been made in the air-ducts by Captain Meigs, my predecessor, which it is believed have improved the distribution of the heated air. If the arrangement is now satisfactory to the Senate, there seems to be no reason why its proper officers should not take charge of the apparatus, so that the appropriation for the Capitol Extension may be relieved from the burden of its support.

I enclose with this a list of the persons employed in taking care of the apparatus, with their rates of daily pay.

These persons are six in number, and have charge of the two engines and ventilating fans, the boilers, steam and water pipes, registers, and all other parts of the heating and ventilating apparatus, and do all the work connected with it. They have been employed upon the work for some time, and the engineer and his assistant have received a thorough training in the proper manipulation of the machinery, in all its parts. They are competent, too, to manage the gas and water fittings of the north wing, and the care of these fittings might properly be turned over to them.

I respectfully recommend that these persons be retained

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of Ghent, for negroes carried off by the British troops in the war of 1812; the petition of Mary A. Wise, of Virginia, praying compensation for a negro taken by the British in 1814, out of the fund provided by the treaty of Ghent for the payment of such losses; and the petition of the son and heir of Edward Rudd, praying compensation for slaves carried off by the enemy during the last war with Great Britain.

BILLS INTRODUCED.

Mr. YULEE asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 1) explanatory of an act for the relief of Charles D. Maxwell, a surgeon in the United States Navy; which was read twice by its title, and referred, with his petition and papers heretofore presented to the Senate, to the Committee on Naval Affairs.

Mr. MALLORY, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 10) in addition to an act to promote the progress of the useful arts; which was read twice by its title, and referred to the Committee on Patents and the Patent Office.

Mr. HARLAN asked and obtained leave to introduce a bill (S. No. 8) to reimburse the State of Iowa for moneys expended in the suppression of Indian hostilities within the jurisdiction of that State; which was read twice by its title, and referred to the Committee on Military Affairs and Militia.

He also asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 2) removing the restrictions upon a certain grant of five sections of land to the State of Iowa; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 15) for the relief of purchasers of public lands within the timber reserve opposite Fort Kearney, and for the settlers within the Winnebago agency reservation, the Fort Atkinson reservation, and the timber reserve opposite Fort Crawford, all in the State of Iowa; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. LANE, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 11) making an appropriation for the payment of the expenses incurred by the people of the Territories of Oregon and Washington in the suppression of Indian hostilities therein in the years 1855 and 1856; which was read twice by its title, and referred to the Committee on Military Affairs and Militia.

He also, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 9) to amend "An act for extending the laws and judicial system of the United States to the State of Oregon, and for other purposes;" which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SAULSBURY, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 13) making an appropriation for the erection of a pier in Delaware Bay, for the protection of commerce; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CRITTENDEN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 14) for the relief of Francis Dainese; which was read twice by its title, and referred, with the papers on file, to the Committee on Foreign Relations.

On motion of Mr. CRITTENDEN, it was

Ordered, That the report of the Committee on Foreign Relations on the claim of Francis Dainese, at the last session of Congress, be printed.

Mr. CLAY, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 16) repealing all laws or parts of laws allowing bounties to vessels employed in the bank and other cod fisheries; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 17) to enlarge the public grounds surrounding the Capitol; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HEMPHILL, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 18) making appropriations for the support of one regiment of Texas mounted volunteers, authorized by the act of Congress approved 7th April, 1858; which was read twice by its title, and referred to the Committee on Finance.

He also, in pursuance of previous notice, asked and obtained leave to introduce a joint resolution (S. R. No. 3) to provide for the payment of certain volunteer troops called into service by the Governor of the State of Texas for the protection of the frontier of said State, and to reimburse said State the amount advanced by her on account thereof; which was read twice by its title, and referred to the Committee on Finance.

BILLS REFERRED.

On motion of Mr. BAYARD, the following bills, which were introduced by him yesterday, were referred to the Committee on the Judiciary:

A bill (S. No. 2) concerning the administration of justice in criminal cases;

A bill (S. No. 3) to amend an act entitled "An act to regulate the carriage of passengers in steamships or other vessels," approved March 3, 1855;

A bill (S. No. 4) concerning appeals and writs of error; and

A bill (S. No. 5) to supply vacancies in certain offices.

On motion of Mr. BAYARD, it was

Ordered, That the bill (S. No. 6) concerning seamen be referred to the Committee on Commerce.

NOTICES OF BILLS.

Mr. BINGHAM gave notice of his intention to ask leave to introduce a bill for the relief of Arthur Edwards and others.

Mr. DAVIS gave notice of his intention to ask leave to introduce a bill for the organization of a territorial government in Arizona.

MAIL SERVICE.

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

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire as to the condition of the mail service on route 6565, between Tallahassee and Pensacola, in the State of Florida, and to report upon the expediency and the means of establishing an efficient daily postal service thereon.

PACIFIC RAILROAD.

Mr. GWIN, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 12) to authorize the President to contract for the transportation of the mails, troops, seamen, munitions of war, Army and Navy supplies, and all other Government service, by railroad, from the Missouri river to San Francisco, in the State of California; which was read twice by its title.

Mr. GWIN. Mr. President, this is the same bill which was under consideration in the Senate during the last session. It was reported then by a select committee, and subsequently amended by the Senate, after elaborate investigation and discussion. I introduce it now for the purpose of placing it on the Calendar, in order that we may have an opportunity of taking it up at a very early day. I intend to call it up soon. If, after an examination of the question, it shall be the pleasure of the Senate to have the subject again referred to a select committee, that motion can then be made. My own judgment is, that the best way in which to approach this important question is to take up the bill which I have now introduced. For that purpose, I wish it to go on the Calendar; and I give notice to the Senate that at an early day I shall call it up for consideration.

The PRESIDENT *pro tempore*. The bill goes on the Calendar, as a matter of course, if no motion be made to refer it.

ADJOURNMENT FOR THE HOLIDAYS.

Mr. SLIDELL. I offer the following resolution, and ask for its present consideration:

Ordered, That when the Senate adjourns on Friday next, it be to Tuesday next; and when it adjourns on Tuesday, it be to the Friday following; and when it adjourns on Friday, it be to Tuesday, the third day of January next.

I will state, as some persons have expressed a doubt as to whether this is in conformity to usage, that on two occasions, a few years since, one the occasion of the meeting of the convention at Cincinnati, and the other of the Republican convention at Philadelphia, a resolution in similar terms was adopted. I will say, for myself, that I have not the slightest interest in this matter. My family being here, I have no occasion to go home for the holidays; but I know it will be a matter of great convenience to many gentlemen who are not situated as I am. I ask for the present consideration of the resolution.

Mr. COLLAMER. I have no objection to having an understanding of that kind; but to make an order beforehand for the Senate to adjourn on a future day, when those who happen to be here may think it best to go on with business, I think is not competent; I think it is not parliamentary; I think it is irregular. I have no objection, however, to an understanding of that kind.

Mr. SLIDELL. If the Secretary will have the goodness to send me the Journal of 1856, the Senator from Vermont will find that a resolution like this was adopted on two previous occasions, and no gentleman would think of introducing any business before the Senate on the days when the body was to meet formally. The resolution is offered in this form to obviate the constitutional objection that an adjournment cannot be made for more than three days without the consent of the other House, which cannot of course be obtained under existing circumstances.

Mr. COLLAMER. It seems to me to be a mere evasion of the constitutional prohibition—nothing more, nothing less. It is a very ingenious evasion of the constitutional prohibition.

Mr. IVERSON. I suppose that if this resolution passes, it will be generally understood by the Senators that no business will be transacted on the days when the Senate is to meet for the purpose of a formal adjournment. It can be done, I think, without any difficulty, and this resolution may pass without any constitutional question being raised. It is only a formal common consent entered into by the Senate that on to-morrow we shall do no business but adjourn to Tuesday next, and then on Tuesday, if any members of the Senate are present—it is not necessary that there should be a quorum present—they can adjourn over to Friday in pursuance of the agreement which has been thus entered into, and then over to the Tuesday following. I am perfectly willing to vote for the resolution with this common understanding.

Mr. COLLAMER. I do not mean to be understood as at all objecting to an arrangement like that proposed, if it be done by understanding. I do not expect to leave the city myself, and I do not expect business to be done during the holidays. If it is necessary, I am perfectly willing to attend here for the purpose of making adjournments, in order to keep all things in order; but it seems to me that when the Constitution prohibits either House during the session of Congress to adjourn for more than three days without the consent of the other, an attempt to get rid of it in this mode is not proper. I care not if there is a precedent for it; that does not alter the case in my mind in the least. It is nothing, it seems to me, but an equivocation to get over the prohibition of the Constitution; and I cannot but feel it my duty to protest against it, not that I have any objection to an arrangement of this kind.

Mr. DAVIS. I concur with the objection made by the Senator from Vermont, and I think there is another which we ought also to consider. The House of Representatives is not yet organized; we have not received the annual message and accompanying documents. The House might be organized in the very interval proposed, in which event the Senate ought to be in session.

Mr. SLIDELL. I have sent for the Journal of the Senate, in order to show that this course has been adopted on two previous occasions, by the unanimous assent of the Senate. I will say for myself, that I am entirely indifferent whether the resolution passes or not. I have introduced it at the instance of other gentlemen who really feel an interest in the matter, and whose convenience will be greatly promoted by it. As to the constitutional objection, I confess that I cannot see the force of it at all. I find, by reference to the Journal, that on the 23d December, 1856, it was

"*Ordered*, That when the Senate adjourn it be to Friday next, and when it adjourn on Friday it be to the Monday following."

On two previous occasions, as I before remarked, this arrangement extended over a period of seven or eight days; one for the meeting of the Cincinnati convention, and the other for the Philadelphia convention.

The resolution was agreed to.

On motion of Mr. BRIGHT, the Senate then adjourned.

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THE CONGRESSIONAL GLOBE:

CONTAINING

THE DEBATES AND PROCEEDINGS

OF THE

FIRST SESSION OF THE THIRTY-SIXTH CONGRESS:

ALSO, OF THE

SPECIAL SESSION OF THE SENATE.

BY JOHN C. RIVES.

CITY OF WASHINGTON:
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1860.

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will not produce enough to feed the slaves; then hem them in, and let them starve out—let them die out by starvation. That is the policy—hem them in, and starve them out. Do as the French did in Algeria, when the Arabs took to the caverns—smoke them out, by making fires at the mouths of the caverns, and keep them burning until they die. The policy is, to keep up this agitation along the line; make slave property insecure in the border States; keep the master constantly in apprehension of assault, till he will consent to abandon his native country, leaving his slaves behind him, or to remove them further South. If you can force Kentucky thus to abolish slavery, you make Tennessee the border State, and begin the same operation upon her.

But, sir, let us see whether the Senator from New York did not proclaim the doctrine that free States and slave States cannot permanently exist in the same Republic. He said:

"It is an irrepressible conflict between opposing and enduring forces; and it means that the United States must and will, sooner or later, become either entirely a slaveholding nation or entirely a free-labor nation."

The opposing conflict is between the States; the Union cannot remain as it now is, part free and part slave. The conflict between free States and slave States must go on until there is not a slave State left, or until they are all slave States. That is the declaration of the Senator from New York. The Senator from Maine tried to make the Senate believe that I had misrepresented the Senator from New York and Mr. Lincoln, of Illinois, in stating that they referred to a conflict between States. He said that all they meant was that it was a conflict between free labor and slave labor in the same State. Now, sir, let me submit to that man's candor whether he will insist on that position. They both say the contest will go on until the States become all free or all slave. Then, when is the contest going to end? When they become all slave? Will there not be the same conflict between free labor and slave labor, after every State has become a slave State, that there is now? If that was the meaning, would the conflict between slave labor and free labor cease even when every State had become slaveholding? Have not all the slaveholding States a large number of free laborers within their limits; and if there is an irrepressible conflict between free labor and slave labor, will you remove that conflict by making the States all slave? Yet, the Senator from New York says they must become all slave or all free before the conflict ceases. Sir, that shows that the Senator from New York meant what I represented him as meaning. It shows that a man who knows the meaning of words, and has the heart to express them as they read, cannot fail to know that that was the meaning of those Senators. The boldness with which a charge of misrepresentation may be made in this body will not give character to it when it is contradicted by the facts. I dislike to have to repel these charges of unfairness and misrepresentation; yet the Senator began with a series of innuendoes, with a series of complaints of misrepresentation, showing that he was afraid to meet the real issues of his party, and would make up for that by personal assaults and innuendoes against the opposite party.

He goes back to a speech of mine in opposition to the Lecompton constitution in which I said that if you would send that constitution back and let the people of Kansas vote for or against it, if they voted for a free State or a slave State I would go for it without caring whether they voted slavery up or down. He thinks it is a great charge against me that I do not care whether the people vote it up or vote it down.

Mr. FESSENDEN. The Senator is mistaken as to the speech to which I referred. It was one of his speeches made on his southern tour that I referred to.

Mr. DOUGLAS. The idea is taken from a speech in the Senate—the first speech I made against the Lecompton constitution. It was quoted all over Illinois by Mr. Lincoln in the canvass, and I repeated the sentiment each time it was quoted against me, and repeated it in the South as well as the North. I say this: if the people of Kansas want a slave State, it is their business and not mine; if they want a free State, they have a right to have it; and hence, I do not care, so far as regards my action, whether they make it a free State or not; it is none of my business. But the Senator says he does care, he has a preference between freedom and slavery. How long would this preference last if he was a sugar planter in Louisiana residing on his estate, instead of living in Maine? Sir, I hold the doctrine that a wise statesman will adapt his laws to the wants, conditions, and interests of the people to be governed by them. Slavery may be very essential in one climate and totally useless in another. If I were a citizen of Louisiana I would vote for retaining and maintaining slavery, because I believe the good of that people would require it. As a citizen of Illinois I am utterly opposed to it, because our interests would not be promoted by it. I should like to see the Abolitionist who would go and live in a southern country that would not get over his scruples very soon and have a plantation as quickly as he could get the money to buy it.

I have said and repeat that this question of slavery is one of climate, of political economy, of self-interest, not a question of legislation. Where ever the climate, the soil, the health of the country are such that it cannot be cultivated by white labor, you will have African labor, and compulsory labor at that. Wherever white labor can be employed cheapest and most profitably, there African labor will retire and white labor will take its place.

You cannot force slavery by all the acts of Congress you may make on one inch of territory against the will of the people, and you cannot by any law you can make keep it out from one inch of American territory where the people want it. You tried it in Illinois. By the ordinance of 1787, slavery was prohibited, and yet our people, believing that slavery would be profitable to them, established hereditary servitude in the Territory by territorial legislation, in defiance of your Federal ordinance. We maintained slavery there just so long as Congress said we should not have it, and we abolished it at just the moment you recognized us as a State, with the right to do as we pleased. When we established it, it was on the supposition that it was for our interest to do so. When we abolished it, we did so because experience proved that it was not our interest to have it. I hold that slavery is a question of political economy to be determined by climate, by soil, by production, by self-interest, and hence the people to be affected by it are the most impartial jury to try the fact whether their interest requires them to have it or not.

But the Senator thinks it is a great crime for me to say that I do not care whether they have it or not. I care just this far: I want every people to have that kind of government, that system of laws, that class of institutions, which will best promote their welfare, and I want them to decide for themselves; and so that they decide it to suit themselves, I am satisfied, without stopping to inquire or caring which way they decide it. That is what I mean by that declaration, and I am ready to stand by it.

The Senator has made the discovery—I suppose it is very new, for he would not repeat anything that was old, after calling me to account for expressing an idea that had been heard of before—that I reopened the agitation by bringing in the Nebraska bill in 1854; and he tries to put the responsibility of the crimes perpetrated by his political friends, and in violation of the law, upon the provisions of the law itself. We passed a bill to allow the people of Kansas to form and regulate their own institutions to suit themselves. No sooner had we placed that law on the statute-book, than his political friends formed conspiracies and combinations in the different New England States to import a set of desperadoes into Kansas to control the elections and the institutions of that country in fraud of the law of Congress.

Sir, I desire to make the legislation broad enough to reach conspiracies and combinations of that kind; and I would also include combinations and conspiracies on the other side. My object is to establish firmly the doctrine that each State is to do its own voting, establish its own institutions, make its own laws without interference, directly or indirectly, from any outside power. The gentleman says that is squatter sovereignty. Call it squatter sovereignty, call it popular sovereignty, call it what you please; it is the great principle of self-government on which this Union was formed, and by the preservation of which alone can it be maintained. It is the right of the people of every State to govern themselves and make their own laws, and be protected from outside violence or interference, directly or indirectly. Sir, I confess the object of the legislation I contemplate is to put down this outside interference; it is to repress this "irrepressible conflict;" it is to bring the Government back to the true principles of the Constitution, and let each people in this Union rest secure in the enjoyment of domestic tranquillity without apprehension from neighboring States. I will not occupy further time.

Mr. TOOMBS. I move to postpone the further consideration of this resolution until to-morrow at half past one o'clock.

The motion was agreed to.

Mr. BROWN I now move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 23, 1860.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM D. HALEY.

The Journal of Friday last was read and approved.

THE SPEAKERSHIP.

The CLERK announced as the business first in order the question of order raised by Mr. CURTIS on Thursday last, on which the gentleman from Virginia [Mr. LEAKE] was entitled to the floor.

Mr. BARKSDALE. As the gentleman from Virginia is not here, I will occupy the floor.

Mr. CRAWFORD. I move that there be a call of the House before the gentleman proceeds.

Mr. McCLERNAND. I rise to a question of privilege.

Mr. CRAWFORD. Then I withdraw my motion.

Mr. McCLERNAND. I rose for the purpose of making an explanation in reference to some remarks which fell from my colleague from the Chicago district, [Mr. FARNSWORTH,] the other day; but as I perceive that he is not in his place, I will defer for the present the remarks I purposed to make.

Mr. BARKSDALE then addressed the House for two hours. [His speech will be published in the Appendix.]

Mr. CORWIN followed, and spoke for about the same length of time, without concluding his remarks. [His speech when completed will be published in the Appendix.]

Mr. McCLERNAND. I move that the House do now adjourn.

The motion was agreed to; and thereupon (at ten minutes after four o'clock, p. m.) the House adjourned.

IN SENATE.

TUESDAY, *January* 24, 1860.

Prayer by the Chaplain, Rev. Dr. GURLEY.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate a message from the President of the United States, transmitting a report of the Secretary of State, in compliance with a resolution of the Senate of the 12th instant, calling for copies of any correspondence now on the files of the Department of State, by Mr. Stockton, the Minister of the United States at Rome, relating to a reported outrage on an American family at Perugia, in the Pontifical States, and the measures taken to procure redress therefor; which, on motion of Mr. SUMNER, was ordered to lie on the table, and be printed.

PETITIONS AND MEMORIALS.

Mr. WADE presented the petition of Alfred Dunham and others, praying that pensions may be granted to the militia who served in the war of 1812, and to the widows of those who have died or may hereafter die; which was referred to the Committee on Pensions.

Mr. THOMSON presented the petition of Catharine Shepherd, widow of George Shepherd, a soldier of the war of the Revolution, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of Peter Van

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Buskirk, praying to be allowed a pension as commissary during the war of the Revolution; which was referred to the Committee on Pensions.

Mr. CLINGMAN presented a paper in favor of the enactment of a law to extend the jurisdiction of the district courts of the United States in the State of North Carolina, and to compensate the clerks; which was referred to the Committee on the Judiciary.

Mr. SEWARD presented additional papers in relation to the claim of Mrs. Perry, widow of Commodore M. C. Perry, to a pension; which, with the papers in relation to the claim on the files of the Senate, were referred to the Committee on Pensions.

He also presented the memorial of Jonas P. Levy, in relation to his claim against the Mexican Government; which, with the petition and papers on the files of the Senate, relating to the claim, was referred to the Committee on Foreign Relations.

He also presented a petition of citizens of Westfield, Morrow county, Ohio, praying that the militia who served in the Indian wars, and in that of 1812, may be placed on the same footing in regard to bounty land as those who served in the war with Mexico; which was referred to the Committee on Military Affairs and Militia.

Mr. RICE presented the petition of Henry Carroll and others, citizens of Minnesota, praying the establishment of a mail route from New Ulm, via Leavenworth, to Fort Ridgely, in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. PUGH presented the petition of Charles McCloskey, praying that the pension now received by him may be increased; which was referred to the Committee on Pensions.

Mr. KING presented a memorial of citizens of Buffalo, New York, praying the establishment of a harbor of refuge at the mouth of Grand river, on Lake Michigan; which was referred to the Committee on Commerce.

Mr. CHANDLER presented the petition of Alice Hunt, widow of Thomas Hunt, formerly a captain in the Army, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of Amherst Crane and others, praying that pensions may be granted to the militia who served in the war of 1812, and to the widows of those who have died or may hereafter die; which was referred to the Committee on Pensions.

Mr. POWELL presented the petition of Florian Kern, praying the reimbursement of expenses incurred in raising a company of volunteers for the Mexican war; which was referred to the Committee on Military Affairs and Militia.

Mr. JOHNSON, of Arkansas, presented the petition of Laura Humber, widow of Captain Charles H. Humber, of the Army, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. DAVIS presented the petition of Henry Lace and others, praying that the militia of the Indian wars, and of 1812, may be placed upon the same footing, in regard to bounty land, as those who served in the war with Mexico; which was referred to the Committee on Military Affairs and Militia.

He also presented a letter of Rev. T. H. Mitchell, a chaplain in the United States Army, asking that chaplains in the Army may be allowed service rations and a servant, like commissioned officers; which was referred to the Committee on Military Affairs and Militia.

He also presented the petition of Alfred Dunham and others, praying that the militia of the Indian wars, and of that of 1812, may be placed on the same footing, in regard to bounty lands, as those who served in the war with Mexico; which was referred to the Committee on Military Affairs and Militia.

Mr. IVERSON presented the memorial of Thomas M. Newell, praying to be allowed the same rate of damages for the detention of money due him, as was exacted and paid by him to the United States under similar circumstances; which was referred to the Committee on Claims.

Mr. FITZPATRICK presented the petition of Keziah Pritchett, formerly the widow of David Moore, praying to be allowed a pension; which was referred to the Committee on Pensions.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. THOMSON, it was

Ordered, That the petition of John C. Carter, a lieutenant in the Navy, praying to be allowed the balance of an appropriation made by the act for his relief, passed February 13, 1855, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion of Mr. THOMSON, it was

Ordered, That the memorial of Lieutenant T. A. M. Craven, praying additional compensation during the time he was in command of the expedition to make an exploration and verification of the surveys made for a ship canal near the Isthmus of Darien, to connect the waters of the Atlantic and Pacific by the Atrato and Truando rivers, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion of Mr. DURKEE, it was

Ordered, That the memorial of the Domestic and Foreign Missionary Society of the Protestant Episcopal Church, at Green Bay, Wisconsin, on the files of the Senate, be referred to the Committee on Private Land Claims.

BILLS INTRODUCED.

Mr. SUMNER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 102) to secure the wages of seamen in cases of wreck; which was read twice by its title, and referred to the Committee on Commerce.

Mr. IVERSON asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 9) in relation to the pay of dropped or retired officers of the Navy, who have been restored to their original positions on the active list; which was read twice by its title, and referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES.

Mr. BIGLER, from the Committee on Patents and the Patent Office, to whom was referred the bill (S. No. 10) in addition to "An act to promote the progress of the useful arts," reported it with amendments.

Mr. FITCH, from the Committee on Printing, to whom was referred a motion to print the report of the Secretary of the Senate and Clerk of the House of Representatives, in relation to the continuation of the compilation of the American State Papers, reported in favor of printing the same; and the report was agreed to.

He also, from the same committee, to whom was referred a motion to print the report of the Secretary of the Senate, showing the names and compensation of the persons employed in his office during the year 1859, reported in favor of printing the same; and the report was agreed to.

He also, from the same committee, to whom was referred a motion to print the report of the Secretary of War, communicating Major Barnard's essay on the dangers and defenses of New York, reported in favor of printing the same; and the report was agreed to.

PRINTING OF REPORTS.

On motion of Mr. THOMSON, it was

Ordered, That the report of the Committee on Pensions on the petition of Mary Everts be printed.

On motion of Mr. SAULSBURY, it was

Ordered, That the report of the Committee on Pensions on the petition of William Allen be printed.

On motion of Mr. SAULSBURY, it was

Ordered, That the report of the Committee on Pensions on the petition of John Pickell be printed.

TERRITORY OF DAKOTA.

Mr. RICE. I offer the following resolution; and, if there be no objection, I ask for its present consideration:

Resolved, That the Committee on Territories be instructed to report a bill for the organization of Dakota, which shall include all of that portion of the former Territory of Minnesota not embraced within the limits of the State of Minnesota, or such other boundaries as said committee may deem best for the public interest.

Mr. CLAY. I object to the consideration of that resolution at this time.

The VICE PRESIDENT. It will lie over.

PUBLIC PRINTING.

Mr. BROWN, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 103) to provide for the public printing, binding, engraving, and lithographing; which was read twice by its title.

Mr. BROWN. I desire to say, before I move the reference of that bill, that, in the preparation of it, I have been greatly indebted to the labors of Mr. George Taylor, formerly a member of the House of Representatives. He prepared a bill two years ago with a great deal of care, and I have borrowed largely from it. With that explanation, I move the reference of the bill to the Committee on Printing.

The bill was so referred.

PUBLIC PRINTING INVESTIGATION.

Mr. KING. I ask the Senate now to consider a resolution which I offered the other day, in regard to an investigation of certain matters connected with the public printing. I suppose that it will not occupy much of the time of the Senate.

There being no objection, the Senate proceeded to consider the following resolution, submitted by Mr. KING, on the 19th instant:

Resolved, That a select committee be appointed to inquire and report to the Senate whether $41,000, or any other sum or sums, were paid by the Public Printer, or any party who executed printing or binding for the last Congress or the Executive Departments, for the use or benefit of any person or party conducting a newspaper, or to aid in the support of any newspaper establishment, and especially whether any such payment was made to or for the benefit of the person or party interested in the publication of the Washington Constitution, lately called the Union, the Pennsylvanian, or the Philadelphia Argus; whether any contract was made, or any understanding had, at any time during the last Congress, or since the 3d of March last, between Mr. Bowman, late Superintendent of Public Printing, who was on the 17th instant elected Printer to the Senate, and the Printer for the Senate or the Executive Departments, during the last Congress, by which the said Bowman was to receive $20,000 or other sum a year from such Printer while such Printer should have the printing and binding of Congress or the Executive Departments, payment of said $20,000 or other sum a year to cease whenever such printing and binding should in whole or in part be withheld from such Printer or party contracting to pay; whether anything was paid by such Printer or party to said Bowman, and if anything, how much; whether any, and if any, what other amount, was levied for any newspaper or other purpose upon the Public Printer or any party or parties who executed public printing, or was paid by such Printer or party, or withheld out of the price fixed by law for printing from any party who executed public printing for Congress or the Executive Departments; and whether any member of the Cabinet, or any officer of the Government, was abetting or privy to any such contract, understanding, levy, or payment, or the withholding any part of the price fixed by law for printing from any person or party who executed the printing. And the said committee are instructed to inquire and report what reduction ought to be made in the prices now paid for public printing. For the purposes of this resolution, the said committee are authorized to examine witnesses, and to send for persons and papers.

The resolution was agreed to.

Mr. KING. There is no number designated in the resolution for the committee. I do not know whether there is any fixed number by the rules; but I will move that the committee consist of five members, to be appointed by the Chair.

The motion was agreed to.

TERRITORIAL POLICY.

The VICE PRESIDENT. If there be no further petitions or reports, the business next in order will be the resolution offered by the Senator from Ohio, [Mr. PUGH.] It may give rise to some debate; and as it is within five minutes of the time appointed to call up the special order, the Chair will call it up, if there be no objection.

Mr. CLINGMAN. I hope the special order will be called up by common consent.

Mr. WILSON. I move that the consideration of the resolution of the Senator from Ohio be assigned for to-morrow, at half past one o'clock.

The VICE PRESIDENT. As a special order?

Mr. WILSON. Yes, sir.

The VICE PRESIDENT. It is moved that the resolution offered by the Senator from Ohio, in relation to the expediency of repealing so much of the acts organizing the Territories of New Mexico and Utah, as requires the laws passed by said Territories to be submitted to Congress for approval or rejection, be made the special order for to-morrow, at half past one o'clock.

Mr. GWIN. I suppose, if the Senator wishes to address the Senate on that occasion, there will be no objection; but I do not think it is well to accumulate special orders in this way on the Calendar. It will embarrass legislation. I take it for granted the Senator wishes to address the Senate; and I do not think there will be any difficulty in the way by general consent, without making it as a special order. Let him withdraw the motion.

Mr. WILSON. Very well; I withdraw the motion.

INVASION OF STATES.

The Senate resumed the consideration of the

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the House will give it to me when they take a vote upon the commitment of the bill which is now pending before it. There is also a motion pending to reconsider the commitment of the fortification bill to the Committee of the Whole on the state of the Union. That motion I am prepared to call up whenever the House is disposed to act I do not suppose, in the present thin attendance in the House, that it is desirable to decide this question in reference to the commitment and disposition of appropriation bills; but that it shall be decided to-morrow, in a fuller House.

Mr. PENDLETON. If the gentleman will yield for that purpose, I will move that the House adjourn. I understand that the motion to commit will be the first question in the morning, and that the gentleman now occupying the floor will then be entitled to it.

Mr. STANTON. I will yield to the motion to adjourn.

Mr. REAGAN. I desire to say a word, while the attention of the members present is directed to this matter, in addition to what the gentleman from Ohio [Mr. STANTON] has said. Upon the general question, I do not suppose I can add anything to the views already expressed.

In addition to the resolution to which he refers, referring this subject to the Military Committee, on the day after the House elected a Speaker, or as soon as the House was ready to proceed to business, a bill was referred to the Military Committee, giving them charge of the subject; and a resolution has since been referred to them. Since that time, and before it, and continually since our arrival here, no mail has come to this Capitol, to my colleagues or myself, but what brings us papers and letters announcing the continuation of hostilities upon the frontier; the murdering of men, women, and children, and the carrying of people into captivity; and it is but a continuation of the state of war which has existed upon our frontier for five years. It is a matter which requires urgent action; and we should be derelict, in the highest and most censurable regard, in our duty to our constituents, if we did not urge and insist that the House shall act upon the question. The whole subject is before the Military Committee. Common sense and the dictates of reason would seem to require that that committee should have control of the subject.

In asking that the bill shall be referred to the Committee on Military Affairs, I have no assurances whatever that the action of that committee will be one way or the other. I have heard no expression of opinion by the members of that committee on the subject. We have to rely upon the sense of justice and right of that committee as to what they will do. I only ask its reference to that committee in conformity with the motion of my colleague, because they have had the whole subject before them. It is their duty to examine and report upon it; and the report of the Military Committee will have authority with the House.

The SPEAKER *pro tempore*. The Chair would remind the gentleman from Texas that the only motion now before the House is to refer the bill to the Committee of Ways and Means.

Mr. REAGAN. No, sir. My colleague made the motion first to refer the bill to the Committee on Military Affairs.

Mr. HAMILTON. I certainly made the motion distinctly to refer the bill to the Committee on Military Affairs. Whether the motion was heard and entertained by the Speaker or not, I do not know.

Mr. REAGAN. In conformity with the views of my colleague and the chairman of the Committee on Military Affairs, that it would be better to have a fuller vote on this question, I will now yield for a motion to adjourn.

The SPEAKER *pro tempore*. The Chair would suggest that it would be better to have this matter put in a proper shape. The motion to refer to the Committee on Military Affairs is not considered by the Chair as now pending.

Mr. REAGAN. It was the first motion submitted.

Mr. HAMILTON. It has precedence, I think, of the motion of the gentleman from Ohio. Gentlemen near me, on both sides, bear me out in the fact that I made the motion, although the Speaker may not have heard or entertained it.

Mr. BINGHAM. There is no doubt the gentleman made the motion.

The SPEAKER *pro tempore*. The Chair distinctly heard the gentleman from Texas move to refer the bill to the Committee on Military Affairs, but at that time the gentleman from Texas had not been recognized as entitled to the floor, and the bill was not then before the House. Afterwards, when the bill had been taken up, the gentleman from Ohio obtained the floor, and moved to refer it to the Committee of Ways and Means.

Mr. HAMILTON. Then I submit the motion now that the bill be referred to the Committee on Military Affairs.

Mr. REAGAN. I will now yield for a motion to adjourn.

Mr. RUFFIN. I move that the House do now adjourn.

PROTECTION OF FEMALE PASSENGERS.

Mr. JOHN COCHRANE. Before the House adjourns, I ask that Senate bill No. 3 may be taken from the Speaker's table and referred to the Committee on Commerce. It refers to the subject-matter of a bill which has already passed the House.

Mr. RUFFIN. I withdraw my motion temporarily.

Mr. JOHN COCHRANE. The bill to which I refer is one in relation to the protection of female passengers.

There being no objection, the Senate bill to amend an act entitled "An act to regulate the carriage of passengers in steamships and other vessels," approved March 3, 1855, was taken from the Speaker's table, read a first and second time, and referred to the Committee on Commerce.

And then, on motion of Mr. RUFFIN, (at five minutes to five o'clock, p. m.,) the House adjourned.

IN SENATE.

FRIDAY, *March* 16, 1860.

Prayer by the Chaplain, Rev. Dr. GURLEY.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States:

To the Senate of the United States:

Referring to my communication of the 5th instant to the Senate, in answer to its resolution of the 23d February, calling for any "communication which may have been received from the Governor of Texas, and the documents accompanying it, concerning alleged hostilities now existing on the Rio Grande," I have the honor herewith to submit for the consideration of that body the following papers:

Dispatch from the Secretary of War to the Governor of Texas, dated February 28, 1860;

Dispatch from the Governor of Texas to the Secretary of War, dated March 8, 1860;

Dispatch from the acting Secretary of War to the Governor of Texas, dated March 14, 1860.

JAMES BUCHANAN.

WASHINGTON, *March* 15, 1860.

On motion of Mr. HAMLIN, the message was ordered to lie on the table; and a motion by him to print it was referred to the Committee on Printing.

The VICE PRESIDENT also laid before the Senate a report of the Secretary of the Treasury, communicating, in compliance with a resolution of the Senate, a statement of the trade and commerce of the United States with the British North American Provinces annually, since 1850; which was, on motion of Mr. WILSON, referred to the Committee on Commerce; and a motion by him to print the report was referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

Mr. DOOLITTLE presented a memorial of the city council of the city of Racine, in the State of Wisconsin, praying that beacon lights may be established and kept up in the harbor of that place; which was referred to the Committee on Commerce.

Mr. SEBASTIAN presented papers in relation to the claim of Barrow, Porter & Crenshaw, contractors for carrying the mail from Kansas City, Missouri, to Stockton, California, for mules stolen and wagons destroyed by the Indians; which were referred to the Committee on Indian Affairs.

Mr. HAMMOND presented papers in relation to the claim of Captain William L. Hudson, of the United States Navy, for the reimbursement of certain expenditures made by him while in command of the United States steamship Niagara, engaged in laying the Atlantic cable; which were referred to the Committee on Naval Affairs.

Mr. GREEN presented a memorial of the Legislature of Missouri, requesting a reimbursement of money paid by that State in repelling an incursion of the Osage Indians in 1837; which was referred to the Committee on Military Affairs and Militia.

He also presented eight memorials of citizens of Dacotah Territory, praying Congress to grant to them, at the earliest possible moment, a territorial organization; which were referred to the Committee on Territories.

Mr. FESSENDEN presented the petition of Eli Goss, a soldier in the Aroostook expedition, praying to be allowed bounty land; which was referred to the Committee on Public Lands.

PAPERS WITHDRAWN.

On motion of Mr. WILSON, it was

Ordered, That Samuel Remick have leave to withdraw his petition and papers.

PETITIONS RECOMMITTED.

On motion of Mr. HAMLIN, it was

Ordered, That the petition of Lemuel Wooster, praying a pension on account of a disability incurred while employed as a waiter to a militia officer in the United States service, during the last war with Great Britain, with the adverse report of the Committee on Pensions thereon, be recommitted to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. CLAY, from the Committee on Commerce, to whom was referred the joint resolution (H. R. No. 11) providing for the manner of expending the balance of appropriation "for repairing the works and piers, in order to preserve and secure the light-house at Chicago, Illinois," reported it without amendment, and submitted an adverse report.

Mr. WILKINSON, from the Committee on Claims, to whom was referred the memorial of George G. Durham, asking compensation for services as a clerk in the Indian bureau, reported adversely thereon.

OFFICERS OF THE SENATE.

Mr. JOHNSON, of Tennessee. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate to offer the following resolution; and I ask the action of the Senate upon it now:

Resolved, That any vacancy now existing, or which shall hereafter occur, in the places of messengers of the Senate, by death, resignation, removal, or otherwise, such vacancy so existing or occurring shall not be filled by the appointment of other messengers, until it is so ordered by the Senate.

Mr. DAVIS. I should like to have some explanation of that resolution.

Mr. JOHNSON, of Tennessee. I will state, for the information of the Senator from Mississippi, that there are more messengers than are needed by the Senate, while we have not quite so many laborers as we need. My object is to dispense with the further appointment of messengers, and to leave the employment of laborers, if needed, under the control and subject to the order of the committee. These officers are not needed, and I am so informed by the Sergeant-at-Arms. This resolution is offered at his request, and the committee, after considering it, have thought it best to dispense with the appointment of additional messengers, unless otherwise ordered by the Senate.

Mr. DAVIS. If the committee having charge of the subject think we have too many officers, of course I have no objection to lessening the number.

The resolution was considered by unanimous consent, and agreed to.

PATENT LAWS.

Mr. BIGLER. I ask the consent of the Senate to take up the bill (S. No. 10) which is a general supplement to the Patent Office laws, for the purpose of having it recommitted. There is a section of the bill in reference to which the Department has some views to submit to the committee.

The motion to take up the bill (S. No. 10) in addition to an "Act to promote the progress of the useful arts" was agreed to.

Mr. BIGLER. I now move that the bill be recommitted to the Committee on Patents and the Patent Office.

The motion was agreed to.

BILL INTRODUCED.

Mr. LATHAM asked, and by unanimous con-

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X re S.10 and Patent Law

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NEW YORK CITY CONTESTED ELECTION.

Mr. DAWES. Mr. Speaker, as the House has adjourned over until Monday next, and as I cannot call up the case of Williamson and SICKLES to-morrow, I give notice that I will call it up on Monday next, at one o'clock.

AMENDMENT OF THE RULES—AGAIN.

Mr. WASHBURN, of Maine. The main question has been ordered upon the report of the Committee of the Whole on the state of the Union, and I now suggest that the amendments reported to the rules, upon which separate votes are not asked, be voted upon *en masse*. I do not believe it is necessary to read them all over again, for they must be fresh in the memory of every gentleman here.

The SPEAKER. That course will be adopted, if there is no objection.

Mr. GARNETT. I move that the House adjourn.

Mr. WASHBURN, of Maine. I ask the gentleman from Virginia to withdraw his motion to adjourn until we can act upon the amendments which are not objected to, and upon which separate votes are not asked.

ANNULMENT OF MORMON LAWS.

Mr. BRANCH. I ask my friend to withdraw his motion until I can move that an amendment which I propose to offer to the report of the Committee on the Judiciary, in favor of the annulment of certain laws of the Territory of Utah, be ordered to be printed.

Mr. GARNETT. I withdraw the motion to adjourn.

Mr. BRANCH. I move that the amendment I have stated be ordered to be printed.

There was no objection; and it was ordered accordingly.

AMENDMENT OF THE RULES—AGAIN.

Mr. WASHBURN, of Maine. I ask that members now state what amendments they desire the House shall separately vote upon

Mr. STANTON. I want a separate vote on the twenty-sixth amendment, in relation to the contracting for the engraving.

Mr. WELLS. I ask for a separate vote on the fourth amendment.

Mr. VALLANDIGHAM. I ask for a separate vote on the amendment of the 34th rule.

The question was then taken on the amendments reported from the Committee of the Whole on the state of the Union to which there was no objection, and they were concurred in *en masse*.

Mr. WASHBURN, of Maine, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

Mr. WASHBURN, of Maine. Did the vote just taken include the resolution reported from the committee?

The SPEAKER. The Speaker understood that it did.

Mr. BURNETT. No, sir. I want a separate vote on that.

Mr. WASHBURN, of Maine. Let it be read.

The resolution was read, as follows:

Resolved, That John M. Barclay, assistant clerk of the House of Representatives, be, and he is hereby, authorized and empowered to rearrange the rules of the House of Representatives of the United States, as amended, with a view to make the connection and subject of said rules correspond as nearly as practicable; and that said rearrangement, to be made under the direction of the committee on the revision of the rules, together with the Constitution of the United States, Jefferson's Manual, the rules of the Senate, the joint rules of the two Houses, and a revised edition of the Manual lately prepared by said Barclay, be furnished by him for the use of the House.

Mr. BURNETT. I do not know but that I will vote for the resolution, if the gentleman from Maine will satisfactorily answer a question I will put to him. Has the committee on the revision of the rules made any estimate of what will be the cost of this work which they recommend?

Mr. WASHBURN, of Maine. I have not, for one. I do not know whether any estimate has been made.

Mr. BURNETT. I ask the gentleman, furthermore, what will be the size of the book containing the Constitution of the United States, Jefferson's Manual and the rules compiled as suggested by the committee?

Mr. WASHBURN, of Maine. About one fourth larger than the present book.

Mr. GROW. That is about what will be its size.

Mr. BURNETT. I do not want to do anything that will interfere with any good reform that may be proposed by this committee. I think that the amendments proposed, so far as I have examined them, are good ones. I do hope, however, that the committtee will not urge upon this House the publication of a book when they are unable to inform us what will be its cost.

Mr. WASHBURN, of Maine. The present book containing the Manual and rules is stereotyped, and consequently there will be but little additional expense. It is necessary that we should have these rules rearranged, and that we should have the admirable digest made by Mr. Barclay.

Mr. GROW. Unless that is done we will be led into inextricable confusion in reference to the rules.

The question was taken, and the resolution adopted.

Mr. GROW moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

WEST POINT MILITARY ACADEMY.

Mr. HAMILTON. Mr. Speaker, I believe there is nothing now pending before the House.

Mr. WASHBURN, of Maine. The amendment of the rules is now before the House. I ask for a vote upon that amendment upon which a separate vote was demanded by the gentleman from New York, [Mr. WELLS.]

Mr. JOHN COCHRANE. I move that the House do now adjourn.

Mr. HAMILTON. I thought that you, Mr. Speaker, decided that I was entitled to the floor.

The SPEAKER. The Chair is of opinion that if the gentleman from Maine [Mr. WASHBURN] presses the matter of which he has the charge, it will be first in order. If the House agrees to the motion of the gentleman from New York, [Mr. JOHN COCHRANE,] to adjourn, the subject of the amendment of the rules will be first in order when the House meets again.

Mr. HAMILTON. I hope the gentleman from New York [Mr. JOHN COCHRANE] will withdraw his motion to adjourn, as I desire but a few moments of the time of the House.

Mr. JOHN COCHRANE. I will withdraw the motion for that purpose.

The motion to adjourn was accordingly withdrawn.

Mr. HAMILTON. Mr. Speaker——

Mr. MALLORY. Will the gentleman from Texas [Mr. HAMILTON] allow me to make a motion to refer a bill to a committee?

Mr. HAMILTON. I would like to oblige the gentleman from Kentucky, [Mr. MALLORY,] but the matter I have in hand is very important.

Mr. MALLORY. You will have the floor when I get through, and it will take but a moment.

Mr. HAMILTON. With that understanding I will yield the floor.

Mr. MALLORY. I move to take up from the table, and refer to the Committee on Roads and Canals, the joint resolution of the Senate, authorizing the enlargement of, and the construction of a branch of the Louisville and Portland canal.

Mr. NIBLACK objected to taking up the joint resolution.

Mr. HAMILTON. I wish to say to the House that when the adjournment occurred on yesterday there were two motions pending: one by myself, to refer the appropriation bill for the Military Academy, at West Point, to the Committee on Military Affairs; and the other motion by the gentleman from Ohio, [Mr. SHERMAN,] the chairman of the Committee of Ways and Means, to have the bill referred to his committee. The House adjourned pending the consideration of these motions; and I suppose that, in the regular order of business, had it not been for the precedence of the subject of the amendment of the rules, it would have been the first business to-day. I now ask the indulgence of the House to dispose of these motions at this time. The reason why I ask it is, that the State that I and my colleague [Mr. REAGAN] have the honor to represent upon this floor demands that there should be speedy action. It must be known to all gentlemen who have given any attention to the subject that we have a line of frontier of more than two thousand miles——

Mr. WASHBURN, of Maine. I must object to this, for we are now acting under the previous question.

The SPEAKER. The Chair will state that if the special order, the amendment of the rules, is insisted on by the gentleman from Maine, [Mr. WASHBURN,] it must be gone through with before the gentleman from Texas [Mr. HAMILTON] will be in order.

Mr. GARNETT. I move that the House adjourn.

The motion was agreed to.

And the House accordingly (at half past four o'clock, p. m.) adjourned until Monday next.

IN SENATE.

MONDAY, *March* 19, 1860.

Prayer by the Chaplain, Rev. Dr. GURLEY.

The Journal of Friday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States:

To the Senate and House of Representatives:

I transmit a copy of the convention between the United States and the Republic of Paraguay, concluded on the 4th February, 1859, and proclaimed on the 12th instant, and invite the attention of Congress to the expediency of such legislation as may be deemed necessary to carry into effect the stipulations of the convention relative to the organization of the commission provided for therein. The commissioner on the part of Paraguay is now in this city, and is prepared to enter upon the duties devolved upon the joint commission. JAMES BUCHANAN.

WASHINGTON, *March* 16, 1860.

On motion of Mr. HAMLIN, the message was referred to the Committee on Foreign Relations.

The VICE PRESIDENT also laid before the Senate a message from the President of the United States, transmitting a report of the acting Secretary of War, with the accompanying papers, communicating the information called for by the resolution of the Senate, of the 9th instant, respecting the marble columns for the Capitol extension; which was, on motion of Mr. SLIDELL, referred to the Committee on Public Buildings and Grounds; and a motion by him to print the message was referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair has received, and will present to the Senate, certain memorials of manufacturers, coal operators, merchants, business men, farmers, mechanics, laborers, and miners, in Schuylkill county, Pennsylvania, representing that the great industrial and productive interests of the country are suffering from the want of adequate protection. They are opposed to the present low tariff. They ask Congress to abolish or make a radical change in the present warehouse system. They desire the substitution of specific for *ad valorem* duties. They represent that they do not ask protection for coal and iron alone, but desire to extend it to the different interests requiring protection North and South, East and West. The memorials will be referred to the Committee on Finance.

Mr. THOMSON presented a petition of citizens of New York, praying Congress to pass a law to prevent all further traffic in and monopoly of the public lands of the United States, and that they be laid out in farms and lots of limited size, for the free and exclusive use of actual settlers; which was ordered to lie on the table.

Mr. KING presented papers in relation to the claim of John Reed to a pension, on account of an injury received while in the military service, during the war of 1812; which was referred to the Committee on Pensions.

He also presented a petition of James W. Nye and other citizens of New York, praying Congress to pass a law to prevent all further traffic in and monopoly of the public lands of the United States, and that they be laid out in farms and lots of limited size, for the free and exclusive use of actual settlers; which was ordered to lie on the table.

He also presented a petition of citizens of New York, praying the enactment of a uniform bankrupt law; which was referred to the Committee on the Judiciary.

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THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SIXTH CONGRESS, 1ST SESSION. TUESDAY, MARCH 20, 1860. NEW SERIES....No. 77.

Mr. LANE presented the memorial of the Legislative Assembly of Washington Territory, praying that treaties may be formed with the Chehalis and other tribes of Indians in that Territory; which was referred to the Committee on Indian Affairs.

Mr. BIGLER presented a petition of citizens of Elk county, Pennsylvania, praying the establishment of a mail route from Hellen to Benzinger, in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. LATHAM presented resolutions of the Legislature of California, in favor of the establishment of a new land district in that State; which were referred to the Committee on Public Lands, and ordered to be printed.

He also presented resolutions of the Legislature of California, in favor of an extension of the period of the preëmption privilege to actual settlers on the public lands in that State; which were referred to the Committee on Public Lands, and ordered to be printed.

He also presented resolutions of the Legislature of California, in favor of the establishment of a daily mail between Stockton and Mariposa, and all intermediate post offices; which were referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

He also presented resolutions of the Legislature of California, requesting arms for the use of that State; which were referred to the Committee on Military Affairs and Militia, and ordered to be printed.

Mr. GRIMES presented the petition of James H. Montrose and other citizens of New York, praying Congress to pass a law to prevent all further traffic in and monopoly of the public lands of the United States, and that they be laid out in farms and lots of limited size, for the free and exclusive use of actual settlers; which was ordered to lie on the table.

Mr. BROWN presented the memorial of citizens of Washington, asking for the improvement of North Capitol street; which was referred to the Committee on the District of Columbia.

Mr. SLIDELL presented the petition of John M. and George O. Foote, praying the right to locate certain land scrip; which was referred to the Committee on Private Land Claims.

Mr. JOHNSON, of Tennessee, presented a petition of citizens of New York, praying Congress to pass a law to prevent all further traffic in and monopoly of the public lands of the United States, and that they be laid out in farms and lots of limited size, for the free and exclusive use of actual settlers; which was ordered to lie on the table.

Mr. DAVIS presented the petition of C. Champ and others, praying that land may be granted to the heirs of those who, if living, would be entitled to bounty land for services in the war of 1812, and the various wars against Indian tribes; which was referred to the Committee on Pensions.

Mr. TRUMBULL presented the petition of Robert A. Matthews, for the confirmation of the entry of a tract of land in the Sioux City district, Iowa, by Charles W. Tash, or for the refunding of the purchase-money to the said Matthews, as his attorney; which was referred to the Committee on Private Land Claims.

Mr. SEBASTIAN presented a memorial of citizens of Fort Smith, Arkansas, in favor of the revival of the African slave trade; which was referred to the Committee on Commerce.

Mr. HARLAN presented a resolution of the Legislature of Iowa, praying the establishment of a daily mail from Eddyville to Des Moines, in that State; which was referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

He also presented a petition of Joseph Applegate and others, praying that pensions may be allowed to the surviving militia of the war of 1812, who served fourteen days or were engaged in battle, and to the widows of those deceased; which was referred to the Committee on Pensions.

He also presented a petition of S. W. Hilliard and other citizens of New York, praying the passage of a law to prevent all further traffic in and monopoly of the public lands of the United States, and that they be laid out in farms and lots for the free and exclusive use of actual settlers; which was ordered to lie on the table.

Mr. GWIN presented the petition of Susan Rhind, and other daughters of Charles Rhind, deceased, praying the compensation due their father for negotiating a treaty with the Ottoman Porte; which was referred to the Committee on Foreign Relations.

Mr. CHANDLER presented a petition of citizens of Pontiac, Michigan, praying the enactment of a uniform bankrupt law; which was referred to the Committee on the Judiciary.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. BIGLER, it was

Ordered, That the report of the Secretary of State, communicating, in compliance with a resolution of the Senate, the papers relating to the claims of James Keenan, United States consul at Hong Kong, in China, on the files of the Senate, be referred to the Committee on Foreign Relations.

On motion of Mr. KING, it was

Ordered, That the petition of the heirs of Lieutenant Nathan Weeks, for seven years' half pay, and the back pay due to him at the time of his death, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion of Mr. WADE, it was

Ordered, That the petition of Lieutenant William F. Lovell, of the United States Navy, praying that the same additional compensation may be paid to the officers and seamen who accompanied the expedition in search of Dr. Kane, as was allowed to those who accompanied the expedition under Lieutenant De Haven, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion of Mr. TRUMBULL, it was

Ordered, That the petition and accompanying papers of Virginia Rose (now Virginia Deloney, by marriage) and the other heirs and legal representatives of Captain Alexander Rose, of the revolutionary war, praying the allowance of commutation pay, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion of Mr. MALLORY, it was

Ordered, That the memorial of the watchmen in the Washington navy-yard, praying to be allowed the benefits of the seventh section of the act of 3d March, 1831, "making appropriations for civil and diplomatic expenses," &c., and of the second section of an act of 22d April, 1854, "to amend the third section of an act making appropriations for civil and diplomatic expenses," &c., on the files of the Senate, be referred to the Committee on Naval Affairs.

BILLS INTRODUCED.

Mr. JOHNSON, of Arkansas, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 291) for the relief of Mary Preston, widow of George Preston; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAVIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 292) for the protection of disbursing officers acting in obedience to law, and to insure the execution of measures for which appropriations are made; which was read twice by its title, and referred to the Committee on Finance.

Mr. LANE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 289) to provide two additional superintendencies of Indian affairs for the State of Oregon and Territory of Washington; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HARLAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 294) to extend the right of preëmption over unsurveyed lands in the State of Iowa; which was read twice by its title, and referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. BIGLER. The Committee on Patents and the Patent Office, to whom was referred the bill (S. No. 10) in addition to "An act to promote the progress of the useful arts," have instructed me to report it back with an amendment in the shape of a substitute. I desire to say that this is a very important bill, in relation to the interests of the Patent Office and the inventors of the country; and so soon as it can be printed, I shall endeavor to secure its consideration by the Senate.

The memorial of John L. Hayes, in relation to discrimination in charges and fees against citizens of foreign countries who apply for patents, was referred to the Committee on Patents and the Patent Office. That committee have instructed me to report it back, and ask to be discharged from the further consideration of the subject, for the reason that the object is accomplished in the general bill which I have just reported.

The committee were discharged.

Mr. JOHNSON, of Arkansas, from the Committee on Military Affairs and Militia, to whom was referred the memorial of William Vance & Brothers, for reimbursement of expenses incurred in furnishing outfits to certain volunteers for the Mexican war, who were marched to the place of rendezvous, but were not finally mustered into the service of the United States, submitted a report, accompanied by a bill (S. No. 290) for the relief of Vance & Brothers. The bill was read, and passed to a second reading; and the report was ordered to be printed.

Mr. SEBASTIAN, from the Committee on Indian Affairs, to whom was referred the petition of Israel Johnson, praying compensation for services rendered and supplies furnished to the Miami and Pottawatomie Indians, by order of the United States Indian agents, submitted a report, accompanied by a bill (S. No. 293) to compensate Israel Johnson for services performed by direction of the Indian agents, at the treaty ground at the forks of the Wabash, in 1833. The bill was read, and passed to a second reading; and the report was ordered to be printed.

Mr. HAMMOND, from the Committee on Naval Affairs, to whom was referred the petition of William B. Shubrick, praying to be released on the books of the Treasury Department from liability for a certain sum of money expended for the public service by him, as commander-in-chief of the naval forces of the Pacific, submitted a report, accompanied by a bill (S. No. 295) for the relief of William B. Shubrick. The bill was read, and passed to a second reading; and the report was ordered to be printed.

MARKS ON NEWSPAPER WRAPPERS.

Mr. YULEE. The Committee on the Post Office and Post Roads, to whom was referred the bill (H. R. No. 241) authorizing publishers to print on their papers the date when subscriptions expire, have directed me to report it back with amendments. There is no pressing necessity, in the opinion of the committee, for action on the bill; but I believe the parties who have interested themselves in it are very anxious to have it disposed of. If any Senator desires present action on it, I will move that it be acted on now. If not, I ask that the amendments be printed, and that the bill go on the Calendar.

Mr. TRUMBULL. I hope the bill will be permitted to pass at once. I believe there is no objection to it.

Mr. YULEE. I have no objection to taking it up now.

The bill was considered as in Committee of the Whole. It proposes to modify the second clause of the third section of the act of 30th of August, 1852, "establishing the rates of postage on printed matter;" so as to make it read:

There shall be no word or communication printed on the same after its publication, or upon the cover or wrapper thereof, nor any writing nor mark upon it, nor upon the cover or wrapper thereof, except the name, the ledger account showing the date when the subscription expires, the wrapper number, and the address of the person to whom it is to be sent.

The amendments of the committee were to strike out the words "the ledger account showing," and also the words "the wrapper number;" so as to make it read:

There shall be no word or communication printed on the same after its publication, or upon the cover or wrapper thereof, nor any writing nor mark upon it, nor upon the cover or wrapper thereof, except the name, the date when the subscription expires, and the address of the person to whom it is to be sent.

And to add as an additional section:

SEC. 2. *And be it further enacted*, That all laws declaring that postage at the rate of one cent each shall be charged

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1860.

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fifty thousand arms of the new and only admissible model—I mean the rifle musket—so famous, the world over, as the Minie musket. I submit, therefore, to honorable gentlemen, that the recommendation of the Secretary of War last year was justified, and abundantly so, by the exigencies of the service. And if it was so then, it is much more so now. If there were $400,000 deemed necessary last year, upon the most economical calculation, for recruiting the supply of the only infantry arm which we should trust to soldiers whom we did not wish to tempt to their ruin, is not the demand by the mere effect of that untimely reduction *increased* instead of diminished, for an appropriation even beyond that recommended by the Secretary of War last year?

Now I know that this is a season of retrenchment. Retrenchment is the cry, and it is a delicate matter to suggest an increase when the estimates from the Departments do not suggest it. But if an official sanction is all that is wanted, it would require but a brief reference to documents which have proceeded for the last two or three years from the office of the Secretary of War, to make it sufficiently apparent that the increase, agreeable to the suggestion of the gentleman from the Harper's Ferry district, is needed, and that it will be an act of unprecedented delinquency not to give the matter a fair consideration at this time.

Mr. FLORENCE obtained the floor.

Mr. DAVIS, of Indiana. I ask the gentleman from Pennsylvania to give way, that I may submit a motion that the committee rise.

Mr. FLORENCE. I yield for that purpose.

Mr. DAVIS, of Indiana. I move that the committee do now rise.

Mr. SHERMAN. I hope the committee will not rise until they get have got through with this bill.

Mr. FLORENCE. I would not yield to the motion to rise if I believed we could get through this bill this evening.

The question was taken; and the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GROW reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly a bill (H. R. No. 305) making appropriations for the support of the Army for the year ending 30th June, 1861, and had come to no conclusion thereon.

Mr. FLORENCE. I move that the House do now adjourn.

PERSONAL EXPLANATION.

Mr. BURNETT. I desire to know of the gentleman from Indiana [Mr. KILGORE] how it happens that his answer to my question yesterday does not appear in the Globe to-day.

Mr. KILGORE. I have asked the same question.

Mr. BURNETT. What was the answer to my question yesterday?

Mr. KILGORE. It was, that I would report a bill, with the permission of the committee, at an early day, for the gradual emancipation of slavery in the District of Columbia.

Mr. BURNETT. The gentleman has modified his answer; but it will suit my purpose.

Mr. KILGORE. I will say to the gentleman, that the committee has been changed lately, and I may not be able to obtain the consent of the majority of the committee to report the bill. Will the gentleman from Kentucky, who is also a member of that committee, vote to give me an opportunity to report such a bill?

Mr. FLORENCE. I move that the House do now adjourn.

Mr. BURNETT. I had the floor, and only yielded it to the gentleman from Indiana. The gentleman from Indiana undertakes to avoid the position which he took yesterday.

Mr. GROW. This debate is all out of order.

Mr. BURNETT. The objection comes too late. The position of the gentleman yesterday was, that he had had referred to him a petition asking for the abolition of slavery in the District of Columbia. I propounded the question to him—for he had announced that he believed Congress possessed the power, and that he was in favor of it—if that was his purpose, why he did not report from that committee a bill for the abolition of slavery in the District of Columbia? And I understood his answer to be, that he would do so at an early day.

Mr. KILGORE. Yes, sir.

And then, on motion of Mr. FLORENCE, (at forty-five minutes past four o'clock, p. m.,) the House adjourned.

IN SENATE.

WEDNESDAY, *March* 28, 1860.

Prayer by the Chaplain, Rev. Dr. GURLEY.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate the following communication:

SECRETARY'S OFFICE, TERRITORY OF NEW MEXICO,
SANTA FÉ, *February* 13, 1860.

SIR: In compliance with a duty imposed on me, I have the honor to forward you, under joint cover, certain memorials and joint resolutions of the Legislative Assembly of this Territory, to wit:

1. Memorial for payment of certain militiamen called into service against the Apache Indians, by acting Governor William S. Messervey, A. D. 1854; passed 1857-58.
2. Memorial for the payment of volunteers, under Major Ramon Luna, organized under orders No. 22, (Colonel E. W. B. Newby's,) 1850-51; passed 1857-58.
3. Preamble and joint resolutions asking for the payment of militiamen and volunteers aforesaid; passed 1858-59.
4. Memorial asking for the payment of militiamen and volunteers aforesaid; passed 1859-60.

Very respectfully, your obedient servant,

A. M. JACKSON,
Secretary of Territory of New Mexico.

To the Honorable President of the Senate, and Congress of the United States.

On motion of Mr. POLK, the communication was ordered to lie on the table, and be printed.

PETITIONS AND MEMORIALS.

Mr. BIGLER presented a memorial of the Board of Trade of Philadelphia, praying that the legal boundaries of the port of Philadelphia be extended; which was referred to the Committee on Commerce.

Mr. NICHOLSON presented the memorial of Cornelius Wendell, praying Congress to establish a public printing office; which was referred to the Committee on Printing.

Mr. LANE presented a memorial of Francis B. Schaeffer, a military storekeeper, praying to be allowed the same extra pay as was allowed to other officers of the same rank, serving in California and Oregon; which was referred to the Committee on Military Affairs and Militia.

Mr. LATHAM presented the memorial of E. Steele, in reference to the better management of the Indians in California; which was referred to the Committee on Indian Affairs.

Mr. MALLORY presented the memorial of James Glynn, a captain in the Navy, praying remuneration for expenses and losses incurred by him while performing the duties of a purser in addition to those of commanding officer; which was referred to the Committee on Naval Affairs.

Mr. KING presented the proceedings of a meeting held in the village of Geneseo, New York, in favor of the passage of the homestead bill sent to the Senate by the House of Representatives; which was ordered to lie on the table.

Mr. FITCH presented a petition of Henry Wells and others, praying the establishment of a weekly mail from Crown Point to Dyer Station, in Indiana; which was referred to the Committee on the Post Office and Post Roads.

Mr. HARLAN presented the petition of Patrick Quigley, praying compensation for services as United States depositary for public money; which was referred to the Committee on Public Lands.

Mr. HEMPHILL presented papers in relation to the claim of M. K. Simons, a soldier in the late war with Mexico, to a pension; which, with his petition and papers on the files of the Senate relating to the claim, were referred to the Committee on Pensions.

Mr. DOOLITTLE presented a petition of citizens of Watertown, Wisconsin, praying the enactment of a uniform bankrupt law; which was referred to the Committee on the Judiciary.

Mr. CAMERON presented a petition of citizens of Northumberland county, Pennsylvania, praying a modification of the tariff; which was referred to the Committee on Finance.

He also presented the petition of Zepheniah Knapp, a soldier in the war of 1812, praying a pension; which was referred to the Committee on Pensions.

He also presented the petition of Adam Huter and others, praying that bounty land may be granted to the heirs of the militia of the Indian wars and of that of 1812, who, if living, would be entitled to the same; which was referred to the Committee on Pensions.

Mr. KENNEDY presented the petition of H. P. Leslie, a carpenter in the United States Navy, praying for a pension in consideration of a serious injury received in the line of his duty; which was referred to the Committee on Pensions.

Mr. SEWARD presented additional papers in support of the claim of Catharine Wilkey, daughter of Joseph Paine, to compensation for services rendered by her father in the revolutionary war; which were referred to the Committee on Pensions.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. SEBASTIAN, it was

Ordered, That the petition of Thomas O. and Edward O. Smith, praying compensation for supplies furnished to emigrants on the route to California, on the files of the Senate, be referred to the Committee on Indian Affairs.

On motion of Mr. TEN EYCK, it was

Ordered, That the heirs of John Vreeland have leave to withdraw their petition and papers.

On motion of Mr. FITCH, it was

Ordered, That the petition of William Sayers, on the files of the Senate, be referred to the Committee on Claims.

On motion of Mr. IVERSON, it was

Ordered, That the petition and papers of George W. Flood, on the files of the Senate, be referred to the Committee on Claims.

WASHINGTON AQUEDUCT.

Mr. SAULSBURY. I present the memorial of the Great Falls Manufacturing Company, relating to their rights in the water of the Potomac river, praying for the appointment of a joint committee from both Houses of Congress, consisting of three from each body, to take into consideration the facts stated in the memorial and to report in relation thereto. I ask that the memorial be read.

The Secretary read it, as follows:

To the Honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Great Falls Manufacturing Company, represent that they are the owners of lands on both sides of the Potomac river at the Great Falls, and that they have obtained charters from the States of Virginia and Maryland for manufacturing purposes; and your memorialists further state that they are the owners of eight hundred acres of land on the Virginia side at the Great Falls, which land contains the old locks and canal constructed under the supervision of General George Washington, which locks and canal were made for the passage of boats up and down by the said falls; the construction of the works at this time would not cost less than $1,000,000, and are so constructed as to nearly complete the necessary works for using the whole water for manufacturing purposes at low water, which makes them immensely valuable to the company. And your memorialists would further represent, that they have a saw and grist mill erected on the premises, and are enlisting capitalists to erect factories upon these works, and do believe that they could succeed if they were not embarrassed by the action of the General Government, or its agents, which embarrassment grows out of a grant from the State of Maryland to the General Government to condemn lands in the State of Maryland for the purpose of building an aqueduct from Georgetown to the Great Falls, on the Potomac river.

In granting the General Government the right to condemn lands for the use of the aqueduct, the State of Maryland did not give the right to take the water from the Potomac river for the use of the aqueduct; as it must be apparent to every one that the State of Maryland does not possess the power to turn the Potomac river, or any part thereof, from its natural bed or channel, except for purposes of navigation, and then it must be for the benefit of its own citizens, and not for a foreign State or corporation.

But Captain Meigs, the Government's agent for constructing and building the aqueduct, seems to put a different construction upon the law of Maryland granting the right to condemn land, and has been proceeding to condemn the water, as well as the land, by summoning a jury in the county of Montgomery, Maryland, to appraise and condemn the land across Conn's or Bishop's Island so called, which island is owned by the company, and by so doing he calculates to erect a dam from Conn's island to the Virginia shore, to a small piece of land which he has purchased lying above and adjoining the company's land, so that the dam he contemplates building would lay in a diagonal line, partly up and down the river; thus the west end of the dam, where it joins the Virginia shore, would be about one half mile above the east end, where it leaves the Maryland shore; and by building the dam, as contemplated by Captain Meigs, it would turn the water from the Virginia shore to the Maryland shore, and by so doing it would deprive the company of getting any water to be used on the Virginia shore, where the works are, and where they expect to build up a large manufacturing town.

The construction of such a dam as contemplated by Captain Meigs would entirely destroy the company's water power, and make it useless. Therefore, your memorialists

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make no objection to that reference. I wish it understood, however, that it is the bill of the Committee on Military Affairs, and not the bill of the Senator from Mississippi.

The PRESIDING OFFICER. The Chair understood that it came from the committee of which the Senator from Mississippi is chairman.

Mr. CLAY. Then the Committee on Pensions might be dispensed with if the Naval Committee should also take jurisdiction of pensions belonging to that branch of the service.

Mr. DAVIS. The Committee on Military Affairs do not take jurisdiction of pensions, but of pension laws—general provisions for the Army. However, I am perfectly willing that this bill should go to the Committee on Pensions.

The PRESIDING OFFICER. The bill will be read a second time, with a view to its reference.

The bill was read a second time, and referred to the Committee on Pensions.

ASSISTANT DOORKEEPER.

Mr. DAVIS. I offer the following resolution:

Resolved, That the Assistant Doorkeeper of the Senate be allowed the same rate of annual compensation as the permanent committee clerks of the Senate, commencing with the present fiscal year.

The subject is one that was before the Senate when the officers of the Senate had their compensation increased, and this seems to have been the only omission. I should like to have the resolution considered now.

Mr. JOHNSON, of Arkansas. A statement was made to me yesterday, that the pay which is proposed to be given is the same as that given in the House of Representatives, and will be more than the Sergeant-at-Arms of the Senate himself receives. Is that so?

Mr. DAVIS. I do not propose to give that pay. The pay which it is proposed to give is that of the permanent committee clerks—$1,850, I think.

The PRESIDING OFFICER. If no objection be interposed, the resolution will be considered at this time.

Mr. CLAY. I object to it. I want to know what he gets now.

The PRESIDING OFFICER. Then it will lie over.

ST. CLAIR FLATS.

Mr. CHANDLER. I move that the Senate now take up bill No. 37, making an appropriation to complete the channel over the St. Clair Flats. I do not desire to press this bill at this time, if the Senate will grant me a day when we can have a direct vote on the bill. The President, in his veto message of the St. Clair Flats bill of the last session, has put forth some new and rather strange propositions. I should look upon a vote against this bill as a vote in favor of these new doctrines. If the Senate will assign a day when they will permit a vote to be taken on this bill, I shall not discuss it now. I call their attention to the fact that up to the date of this veto message I had not occupied thirty minutes of the Senate's time on this subject. Neither do I wish to press this matter pertinaciously. I simply ask, what I think any Senator will say I am entitled to, a direct vote on the proposition; and if the Senate will fix any day, near or distant, when they will take a vote on it, I shall have nothing further to say at this time. I move that the bill be taken up and made the special order for Monday next, at one o'clock.

Mr. SEWARD. There is a special order for Monday.

Mr. CHANDLER. Well, say Tuesday, or any other day that will suit the Senate.

The PRESIDING OFFICER. The first question is, on taking up the bill for consideration. The Senator from Michigan moves to take up the bill (S. No. 37) in relation to the St. Clair Flats.

The motion was agreed to.

The PRESIDING OFFICER. The bill is now before the Senate as in Committee of the Whole.

Mr. CHANDLER. I move that it be made the special order for Tuesday next, at one o'clock.

Mr. CLINGMAN. I have no objection to the Senator being heard on his bill at any time he desires. I think it is his right to be heard upon it; but it seems to me that we had better not make it a special order. If we do, it may interrupt other business. We cannot assume that nobody else will want to debate it. I presume he is not sanguine of its becoming a law. Still, I am perfectly willing that the Senator shall, either now or at any time when it is convenient to himself, speak upon it. I would rather not make it a special order, because it will probably give rise to a general debate; and it seems to me we had better attend to legislation that is more likely to be practical.

Mr. CHANDLER. I will not occupy ten minutes of the time of the Senate upon this bill, if Senators will permit a vote to be taken without extended debate. I simply ask for a vote, with or without debate; and it is perfectly immaterial to me which. The question is perfectly understood by the Senate and the country, and it need not occupy ten minutes of the time of the Senate.

Mr. SLIDELL. I suggest to the Senator from Michigan that we can vote now.

Mr. CHANDLER. I would prefer fixing a more distant day. The Senate is not full now. I would prefer to fix a day when the Senate will be full.

Mr. MALLORY. Will the Senator from Michigan permit me to suggest to him that the resolutions of the Senator from Mississippi [Mr. DAVIS] have been made the special order for Monday. They will run into Tuesday, and there are special orders that will consume all of that week. As he is willing to take a more distant day—and I recognize his right to be heard on the question—I would propose a week further off.

Mr. CHANDLER. Well, say Monday week.

Mr. MALLORY. I will vote with the Senator to make it the special order for Monday week, or take it up now and vote on it, without debate.

Mr. CHANDLER. I move to make the bill the special order for next Tuesday week, April 10.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. HAYES, Chief Clerk, announced that the House had this day ordered the printing of the following documents:

Letter of the Secretary of the Treasury, transmitting a statement of the condition of the banks throughout the United States—ordered at twelve o'clock and sixteen minutes, p. m.

Memorial of the Legislative Assembly of New Mexico for payment of certain militiamen called into service against the Apache Indians by the acting Governor of the Territory—ordered at twelve o'clock and sixteen minutes, p. m.

Memorial for the payment of volunteers under Major Ramon Luna—ordered at twelve o'clock and sixteen minutes, p. m.

Memorial for the payment of militiamen and volunteers—ordered at twelve o'clock and sixteen minutes, p. m.

The message further announced that the House had passed the bill of the Senate (No. 247) for the relief of Mary E. Castor.

PATENT LAWS.

Mr. MALLORY. I now move that the Senate proceed to the consideration of the bill which was under consideration yesterday. It is not quite one o'clock, but we shall gain a little time by taking it up now. The business was unfinished. The gentleman from Pennsylvania, [Mr. BIGLER,] I know, wishes to make a motion to take up another bill. He has another important bill.

The PRESIDING OFFICER. The unfinished business comes up regularly at one o'clock, but it is the right of the Senator to move to take it up at this time.

Mr. BIGLER. If the Senator from Florida will indulge me a moment, there is a bill of a very important character which I desire to bring before the Senate for consideration. It is a bill which I think the Senate can dispose of very readily; it has been fully considered by the Committee on Patents. It is the bill (S. No. 10) in addition to "An act to promote the progress of the useful arts." I know it is bad policy to interfere with a bill which has been so far progressed with as that of the Senator from Florida; but I almost despair of getting up this bill unless I can get it made a special order, and I ask the Senator from Florida to allow me to have the bill taken up and made the special order for—say Wednesday next.

Mr. MALLORY. I yield for that purpose.

Mr. BIGLER. I move to take up the bill (S. No. 10) in addition to an act to promote the progress of the useful arts.

The motion was agreed to.

Mr. BIGLER. I move that the bill be postponed and made the special order for Wednesday next, at one o'clock.

The motion was agreed to.

BANK ISSUES IN THE DISTRICT OF COLUMBIA.

Mr. SLIDELL. I certainly do not approve of this system of making special orders, and accumulating them; but I find it is impossible to resist the habit, and that there is no other mode of getting along with business that one may have specially in charge. I move that the bill (S. No. 50) regulating the banks in the District of Columbia be taken up now, for the purpose of being made the special order of the day for Wednesday of the week after next—the day after the special order of the Senator from Michigan—and I shall then expect that the bill will be passed upon. It has already been debated very fully.

Mr. TRUMBULL. I wish the Senator from Louisiana would persist in what his judgment tells him ought to be the practice here, and that the Senate would agree to go on with business as it stands upon the Calendar. I am satisfied it would economize time, and every bill would then have its fair chance. This way of pressing in to get a special order made, and giving one bill a preference over another—and frequently preference is given to a most unimportant bill—I have always thought, since I have been in the Senate, embarrassed the business of the body, and gave the go-by to measures of importance which were in the hands of Senators, who perhaps were less importunate than others. I will unite with the Senator at any time in adhering to the Calendar, and shall be glad to have a test of the feeling of the Senate on the subject, to see if we cannot go on with business as it is reported by the committees.

Mr. SLIDELL. I agree fully with the Senator from Illinois; but I think it is a little strange that this objection should now present itself to his mind for the first time.

Mr. TRUMBULL. I have stated it before.

Mr. SLIDELL. He certainly did not object to the special orders already made to-day—one proposed by the Senator from Michigan, and the other by the Senator from Pennsylvania. I shall concur with him heartily hereafter; but I have yielded long enough, and I hope the Senate will indulge me now in taking up this bill for the purpose indicated.

The motion was agreed to; and the bill was postponed to, and made the special order for, this day two weeks, at one o'clock.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives by Mr. HAYES, Chief Clerk, announcing that the House had concurred in the first and second amendments of the Senate to the bill (H. R. No. 241) authorizing publishers to print on their papers the date when subscriptions expire, and had concurred in the third amendment of the Senate, with an amendment, in which the concurrence of the Senate was requested; and had concurred in the amendment of the Senate to the title of the bill.

PAY OF THE NAVY.

Mr. BRIGHT. I think this would be a very good time to take up the bill for the enlargement of the public grounds.

Mr. MALLORY. My motion is pending. I only withdrew it temporarily.

The PRESIDING OFFICER. The Senator from Florida moved to take up the unfinished business of yesterday.

Mr. BRIGHT. Which is the naval pay bill. I should like very much to take up the bill for the enlargement of the public grounds. I doubt whether it will take much time.

Mr. MALLORY. I hope we shall be allowed to go on with the unfinished business.

The motion of Mr. MALLORY was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 299) to increase and regulate the pay of officers of the Navy of the United States.

The PRESIDING OFFICER. The pending question is on the amendment offered by the Senator from Maine, [Mr. FESSENDEN,] which is to strike out all of the original bill after the enacting clause, and to insert what was read yesterday, which is in fact a new and separate bill. Both

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THE CONGRESSIONAL GLOBE:

CONTAINING

THE DEBATES AND PROCEEDINGS

OF THE

FIRST SESSION OF THE THIRTY-SIXTH CONGRESS:

ALSO, OF THE

SPECIAL SESSION OF THE SENATE.

BY JOHN C. RIVES.

CITY OF WASHINGTON:
PRINTED AT THE OFFICE OF JOHN C. RIVES.
1860.

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to do that which I think proper courtesy towards them and a due consideration for myself require.

Mr. BARKSDALE. I repeat, that the gentleman from Ohio is aware I intended him no discourtesy.

Mr. PENDLETON. Certainly, sir.

Mr. ASHMORE. And that I do not.

Mr. PENDLETON. By no means. And it was because gentlemen were proposing their interrogatories in a proper spirit, and in a friendly manner, that I heard them. If the gentleman from Virginia chooses, he can, by a peremptory objection, cut them out.

Now, Mr. Speaker, in addition to the evidences furnished by this census that was taken, and by the number of votes cast in Kansas, as to which I have heard no suggestions of mistakes, I have this secondary evidence to offer: I have inquired of persons who reside in the Territory of Kansas —friends who went to that Territory from the city in which I live—truthful, observing gentlemen, some of whom have had a most excellent opportunity of knowing the population of Kansas, whose faculties for observation have been greatly sharpened by the fact that they were opposed to the adoption of the Wyandotte constitution, and have no favor for this bill; and, sir, I have not found one of them who dissents from the opinion, as the result of their observations, and of the accounts they have heard from other persons coming from all parts of the Territory, that the population of that Territory is to-day, and was last June, at least one hundred thousand. Now this is evidence satisfactory to me. It is not technically the best evidence, perhaps; but it completely convinces my mind, and satisfies me that even under the restrictive clause of the conference bill, Kansas is entitled to admission.

Now, sir, as to the other objection made by the gentleman from Missouri—the objection that the rights of the Indians are violated. It is sufficient to reply to the gentleman that he seeks now to put a construction upon the language of that treaty that has not been put upon it before; a construction that was not put upon it at the time the Kansas-Nebraska bill was passed; a construction that was not put upon it at the time the Lecompton bill was passed; a construction which is now sought to be put upon it for the first time; and that the language of this bill provides that all the rights of the Indians and all the guarantees of the United States in the treaties shall be preserved, and that nothing shall be done or recognized under this bill, or under the provisions of the State constitution, that can in any degree infract the rights of the Indians guarantied to them by the treaties of the United States—the same language which guarded their rights in 1854, when the Territory was organized, and which was intended to guard their rights in the Lecompton bill, if it had become a law.

Mr. CLARK, of Missouri. I ask the gentleman from Ohio to name a single treaty with any tribe outside of Kansas making the same guarantees and limitations as are applied to the treaties set forth in my report.

Mr. PENDLETON. In reply, I will ask the gentleman from Missouri whether he knows of any Indian treaties that they are not in?

Mr. CLARK, of Missouri. All the Indian treaties made with the tribes that settled west of the Mississippi river, prior to the treaty made with the Cherokees, Choctaws, and Chickasaws, have the limitation in different phraseology, and not to the same extent.

Mr. PENDLETON. I cannot name the treaties. I am not familiar with the names of these different Indian tribes, nor with the dates of treaties made with them. But I have examined many of them; and I say that in nearly all of the treaties made since the removal of the Cherokees from Georgia, is to be found language similar to that in the treaties to which the gentleman refers.

Before the gentleman asked me the question, I had said all that I meant to say on this question.

Mr. PARROTT obtained the floor, and addressed the House for one hour in support of the bill. [His remarks will be published in the Appendix.]

Mr. MAYNARD obtained the floor.

Mr. GROW. I desire to ask if the House will fix some hour now at which the debate upon this question shall be closed?

Mr. SMITH, of Virginia. You can do that to-morrow. I desire, as a member of the Committee on Territories, to make some remarks whenever I can get an opportunity to do so.

Mr. GROW. I propose that we take the vote at three o'clock, to-morrow. [Cries of "No!" "No!"]

Mr. MAYNARD. I am requested by several gentlemen on both sides of the House to give way for a motion to adjourn. I have a personal engagement which would make it very agreeable for me if the House would adjourn; but I will be governed in the matter by the wish of the House. [Cries of "Go on!" and "Let us adjourn!"]

Mr. SMITH, of Virginia. With the permission of the gentleman from Tennessee, I move that the House do now adjourn.

Mr. GROW. Well, I desire to give notice to the House that if I can get the floor, I will move the previous question at three o'clock to-morrow.

The question was taken on Mr. SMITH's motion; and it was agreed to; and thereupon (at a quarter after five o'clock, p. m.) the House adjourned.

IN SENATE.

WEDNESDAY, *April* 11, 1860.

Prayer by the Chaplain, Rev. Dr. GURLEY.

The Journal of yesterday was read and approved.

BILL RECOMMITTED.

On motion of Mr. MASON, it was

Ordered, That the bill (S. No. 347) to declare the meaning of the act entitled "An act making further provisions for the satisfaction of Virginia land warrants," passed August 31, 1852, be recommitted to the Committee on Public Lands.

PATENT LAWS.

Mr. BIGLER. I move to postpone all prior orders, and that the Senate proceed to the consideration of the bill (S. No. 10) amending the general patent laws.

Mr. HALE. I hope not. I hope the morning hour will be devoted to petitions, reports, and resolutions.

Mr. BIGLER. I think we can get through with the bill during the morning hour.

The VICE PRESIDENT. The question is on the motion of the Senator from Pennsylvania to take up the bill (S. No. 10) in addition to "An act to promote the progress of the useful arts."

Mr. HALE called for the yeas and nays; and they were ordered.

Mr. BIGLER. This is a very important public measure, and I think we can dispose of it during this morning hour. I am satisfied that it will lead to no protracted debate. It is one of those measures which we ought to consider, and to consider promptly. I shall be under the necessity of being absent, probably, for two weeks after Monday next, and I am exceedingly anxious to send this bill to the House of Representatives before I leave. I think the Senator from New Hampshire mistakes the character of the bill, or he would not object to its consideration. It is one of great public importance. It is one which has been well prepared by the Department, and considered by the committee, and I have no doubt it will receive the vote of the Senator from New Hampshire. Unless there be some pressing morning business, I hope the Senate will consider the bill.

Mr. HALE. I shall not object, if the morning business is through; but there is business that ought to be attended to this morning, and I shall object to taking up the bill until it is disposed of.

The question being taken by yeas and nays, resulted—yeas 19, nays 19, as follows:

YEAS—Messrs. Bigler, Bragg, Chesnut, Clingman, Collamer, Davis, Fitzpatrick, Gwin, Hemphill, Iverson, Lane, Latham, Mason, Nicholson, Powell, Rice, Sebastian, Slidell, and Thomson—19.

NAYS—Messrs. Bingham, Chandler, Clark, Dixon, Doolittle, Douglas, Fessenden, Foot, Green, Hale, Hamlin, King, Seward, Simmons, Sumner, Ten Eyck, Trumbull, Wade, and Wilson—19.

The VICE PRESIDENT. The Senate being equally divided, the Chair determines the question in the negative; and petitions and reports are in order.

PETITIONS AND MEMORIALS.

Mr. WADE presented the petition of G. W. St. John and others, citizens of Ashtabula county, Ohio, praying the passage of a judicious bankrupt law; which was referred to the Committee on the Judiciary.

Mr. LATHAM presented the memorial of John Butterfield and others, contractors for carrying the mail overland from St. Louis and Memphis to San Francisco, remonstrating against the enactment of any law which would change or annul their contract; which was referred to the Committee on the Post Office and Post Roads.

Mr. HEMPHILL presented papers in relation to claims of citizens of Texas to indemnity for depredations by the Indians; which were referred to the Committee on Indian Affairs.

Mr. WILSON presented the petition of Jeremiah Greenleaf and others, officers and soldiers of the war of 1812, praying that pensions be granted to those who served in that war, similar in amount to the pensions granted to those who served in the revolutionary war; which was referred to the Committee on Pensions.

Mr. BRAGG presented the petition of John A. Winslow, a commander in the United States Navy, praying the passage of an explanatory act regulating the pay of officers of the Navy promoted in consequence of the action of the retiring board; which was referred to the Committee on Naval Affairs.

Mr. CRITTENDEN presented the petition of E. D. Tippett, praying an examination of a new plan of ship-building; which was referred to the Committee on Naval Affairs.

Mr. WIGFALL presented a petition of citizens of Texas, praying for the establishment of a mail route from Marshall to Coffeeville, and a post office at Smyrna, in that State; which was referred to the Committee on the Post Office and Post Roads.

He also presented a petition of citizens of Milam county, Texas, praying the establishment of a mail route from Owensville to Cameron, in that county and State; which was referred to the Committee on the Post Office and Post Roads.

He also presented a petition of citizens of Johnson county, Texas, praying the establishment of a mail route from either Hillsboro or Waxahatchie, to Buchanan, in said county and State; which was referred to the Committee on the Post Office and Post Roads.

He also presented a petition of citizens of Clay county, Texas, praying the establishment of a mail route from Gainsville to Henrietta, in that State; which was referred to the Committee on the Post Office and Post Roads.

BILL INTRODUCED.

Mr. HALE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 397) for the relief of witneses in criminal cases in the District of Columbia; which was read twice by its title, and referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. POWELL, from the Committee on Pensions, to whom was referred the petition of Lockey Simpson, praying an increase of pension, submitted a report, accompanied by a bill (S. No. 396) for the relief of Lockey Simpson. The bill was read, and passed to a second reading; and the report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Lemuel Worster, praying a pension on account of a disability incurred while employed as a waiter to a militia officer in the United States service during the last war with Great Britain, submitted a report, accompanied by a bill (S. No. 395) for the relief of Lemuel Worster. The bill was read, and passed to a second reading; and the report was ordered to be printed.

Mr. POWELL, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution submitted by Mr. YULEE on the 15th ultimo, authorizing the payment, out of the contingent fund of the Senate, to the widow of Thomas Clarke, late a messenger in the service of the Senate, deceased, $150 for funeral expenses, and three months' pay of the deceased, from the time of his death, reported adversely thereon.

Mr. FITCH, from the Committee on Printing, to whom was referred a motion to print the report of the Secretary of the Treasury, communicating, in compliance with a resolution of the Senate, a statement showing the amount of revenue collected annually in each collection district from June 30, 1854, to June 30, 1859, together with the amount expended and the number of persons employed in

LEGISLATIVE INTENT SERVICE (800) 666-1917

X re S.10 and Patent Law

THE CONGRESSIONAL GLOBE:

CONTAINING

THE DEBATES AND PROCEEDINGS

OF THE

FIRST SESSION OF THE THIRTY-SIXTH CONGRESS:

ALSO, OF THE

SPECIAL SESSION OF THE SENATE.

BY JOHN C. RIVES.

CITY OF WASHINGTON:
PRINTED AT THE OFFICE OF JOHN C. RIVES.
1860.

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THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SIXTH CONGRESS, 1st SESSION. SATURDAY, APRIL 14, 1860. NEW SERIES....No. 107

of the line. Whether they would get anything like that number of messages, I cannot tell. It is, however, exceedingly problematical. Nobody can tell what the extent of communication will be. But, with regard to the tariff of charge we have fixed, we have been informed that four dollars was the lowest rate at which a single dispatch could be transmitted.

Mr. CLARK, of New York. I hope the gentleman will answer me one question. The bill provides that three dollars shall be the charge for a single dispatch of ten words. Now, sir, from what point to what point is covered by that charge?

Mr. ALLEY. From St. Louis to San Francisco.

Mr. CLARK, of New York. The bill is indefinite in that regard. Suppose the constructors fix the point of commencement of the subsidized line one thousand miles west of St. Louis, must we pay from New York to that point, and then three dollars to San Francisco in addition?

Mr. ALLEY. The charge is from any point west of the Mississippi that the company may choose to start from.

Mr. CLARK, of New York. Suppose these gentlemen, as private individuals, build a line five hundred or one thousand miles west of St. Louis, and fix a point as the starting point of the subsidized line, does the bill provide that charge of three dollars for the whole line, or only for the most western portion of it?

Mr. ALLEY. That would be in violation of the understanding which subsists under the provisions of the bill between the Government and the contractors.

Mr. CLARK, of New York. Perhaps it would.

Mr. ALLEY. It would be in violation of the spirit of the agreement and positive understanding between these gentlemen and Congress. The bill can be amended so as to make it more imperative on that point, if it be desired; but it seems to me that there is no necessity for it, for Congress is supreme in the matter. We are to be the judges whether the company violates the contract or not. If they should violate the contract to the extent suggested, then there is not a man in this House, I think, who would vote to grant them this subsidy. We have the power in our own hands.

Mr. CLARK, of New York. The defect in the bill can be cured by naming the points between which the specific charge of three dollars shall be the price for a single dispatch of ten words.

Mr. ALLEY. If the gentleman from New York deems it material, let the bill be amended in that way.

Mr. Speaker, I think I have answered all the objections urged against this bill which strike me as important. I will say, in conclusion, that I hope the House will take the bill as it stands; for I believe that it is the best we can get. I believe it is as good as the company can afford. I believe, too, if this matter be thrown open to competition, as some gentlemen seem to desire, that it will end in the loss of the whole thing. And why so? Because, as has been partially stated by those who have preceded me, these parties are in possession of most of the patents, and also most of the telegraphic lines upon this continent; and the additional value which the construction of this California line will give to all the rest, furnishes a strong inducement for these parties to build it, even at a considerable loss. And from all the information I have been able to obtain, and the calculations I have made, my judgment is satisfied that it is as favorable a contract as they can possibly afford to make with the Government. As I have already said, every village in every State of this Union feels a deep interest in this enterprise. There is not a village or hamlet in the land, but that has friends and relatives of its people in California, and whenever telegraphic communication is established between the Atlantic and the Pacific coast, every individual upon this side and upon the other will feel that California is at least one half nearer to us than it is now. Feeling that the great commercial, financial, and manufacturing interests of this country, as well as the commercial interests of the whole world, will be benefited to an incalculable extent, and feeling also that the Government will be benefited independently of the people more than $100,000 per annum; and having said much more than I intended when I arose, I will conclude by saying that I shall give this bill my cheerful and hearty support.

Mr. DAVIS, of Maryland. I move that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. COLFAX. I trust that the House will not agree to that. If the House is ready for the previous question on this bill I will call it now, with the understanding that gentlemen may propose their amendments to-morrow morning. If this telegraph line is to be constructed, this bill had better at once pass; for if it be delayed still further it will be impossible, almost, to begin the work, or to complete any part of it this year. It has been hanging here for three weeks because of the priority of other business of the House, and now that it is up, I hope it will be speedily disposed of. If it is not passed now, so that the Senate can concur with our action next week, it cannot be until after the Charleston convention, and even then it may be entirely crowded out by the press of business at the close of the session.

I only ask that, if you go into committee now, you will give me an hour to-morrow to finish this bill. All we want is action upon it. Gentlemen can offer what amendments they please, and then vote as they please.

If the gentleman from Maryland will yield to me, I will move the previous question now; and if the House sustains it, that will carry the bill over until to-morrow morning. That is all I desire. If the House then desires to debate it an hour, I am willing.

Mr. STEVENS, of Pennsylvania. I hope the gentleman will not move the previous question. I intend to vote against the bill, and I want to give the reason for my vote.

Mr. COLFAX. With the offer I have made, which the House understands, and to which there is no objection, I move the previous question. If a majority of the House sustains it, well and good; if not, the bill goes to the Speaker's table.

The SPEAKER. Does the gentleman from Maryland insist upon his motion?

Mr. DAVIS, of Maryland. I do; and it is in possession of the House.

Mr. SCOTT. If we go into committee, what will be the effect upon this bill?

The SPEAKER. The bill will remain before the House as unfinished business.

Mr. FLORENCE. To come up to-morrow morning, or whenever it is reached.

Mr. COLFAX. Then I enter a motion to recommit the bill, to insure that point.

The motion of Mr. DAVIS, of Maryland, was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. WASHBURN, of Maine, in the chair,) and resumed the consideration of the bill (H. R. No. 338) to provide for the payment of outstanding Treasury notes; to authorize a loan; to regulate and fix the duties on imports, and for other purposes; upon which the gentleman from New York [Mr. CONKLING] was entitled to the floor.

TARIFF BILL.

Mr. CONKLING. I believe I am entitled to the floor. The gentleman from Georgia [Mr. HARDEMAN] desires me to yield to him for a few remarks, and, with the permission of the committee, I will do so, with the understanding that I shall have the floor whenever the House again goes into committee.

No objection being made, Mr. CONKLING yielded the floor to Mr. HARDEMAN.

The committee was addressed by Messrs. HARDEMAN, DAWES, FLORENCE, and DUELL. [These speeches will be published in the Appendix.]

Mr. LEAKE moved that the committee do now rise.

The motion was agreed to.

So the committee rose; and Mr. SPINNER having taken the chair as Speaker *pro tempore*, Mr. WASHBURN, of Maine, reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the bill (H. R. No 338) to provide for the payment of outstanding Treasury notes; to authorize a loan; to regulate and fix the duties on imports, and for other purposes; and had come to no conclusion thereon.

MESSAGE FROM THE SENATE.

A message was received from the Senate by Mr. HICKEY, its Chief Clerk, informing the House that the Senate had passed a bill of the House (No. 31) for the relief of Charles Knap.

Also, that the President had informed the Senate that he had approved and signed

An act (S. No. 71) for the relief of the American Board of Commissioners for Foreign Missions;

An act (S. No. 136) for the relief of Thomas Fillebrown;

An act (S. No. 233) for the relief of Alice Hunt, widow of Thomas Hunt; and

An act (S. No. 250) for the relief of Kate D. Taylor, widow of the late Brevet Captain Oliver H. P. Taylor.

Also, that the Senate had agreed to the amendment of the House to the bill (S. No. 78) for the relief of Francis Hüttman.

Also, that the Senate had ordered the printing of the report of the Secretary of the Treasury as to the amount of revenue collected annually in each collection district, from June 30, 1854, to June 30, 1859, &c.

Mr. BUFFINTON. I move that the House do now adjourn.

The motion was agreed to; and thereupon (at half past five o'clock, p. m.) the House adjourned

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IN SENATE.

FRIDAY, *April* 13, 1860.

Prayer by the Chaplain, Rev. Dr. GURLEY.

The Journal of yesterday was read and approved

EXECUTIVE COMMUNICATIONS.

The VICE PRESIDENT laid before the Senate a message of the President of the United States, communicating, in compliance with a resolution of the Senate, information in regard to the compulsory enlistment of American citizens in the army of Prussia; which was ordered to lie on the table; and a motion by Mr. HALE to print the report was referred to the Committee on Printing.

He also laid before the Senate a message from the President of the United States, communicating, in compliance with a resolution of the Senate of the 23d of February, information in regard to the occupation by American citizens of the Island of Navasa, in the West Indies; which was ordered to lie on the table.

He also laid before the Senate a report of the Secretary of War, communicating, in compliance with a resolution of the Senate, detailed information with respect to the expenses of the Indian wars in Oregon and Washington Territories; which was, on motion of Mr. DAVIS, referred to the Committee on Military Affairs and Militia.

He also laid before the Senate a report of the Secretary of the Interior, submitting a report and estimate under the seventh section of the act of 18th of August, 1856, relative to clerk hire and office expenses of the district land offices; which was ordered to lie on the table; and a motion of Mr. WILSON to print the report was referred to the Committee on Printing.

He also laid before the Senate a report of the Commissioner of Indian Affairs, submitting, in compliance with a resolution of the Senate of the 20th ultimo, an estimate of the amounts that will be required to hold councils with certain Indians of the plains, and in the State of Minnesota; which was, on motion of Mr. SEBASTIAN, referred to the Committee on Indian Affairs.

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day by the Senator from Virginia, [Mr. MASON.] It will be remembered that he stated that Mr. Sanborn was taken from the custody of this pretended officer by a mob. That was the statement of the Senator from Virginia, made here, and going to the country; and I think a calumny upon the people of Concord. How are the facts, as authenticated by the official papers? The return by the sheriff is as follows:

MIDDLESEX, ss. *April* 3, 1860.

By virtue of this writ, and in obedience thereto, I this day took the body of the within-named Frank B. Sanborn from the custody of Silas Carleton, at Concord, in said county, and now have him, under safe and secure conduct, before the chief justice of the supreme judicial court, now sitting at Boston, in the county of Suffolk, as within directed. And I have also summoned the within-named Silas Carleton to appear before said court, and there show cause of the taking and detaining the said Frank B. Sanborn, by reading to him the within writ, and have also given him in hand an attested copy thereof.

JOHN B. MOORE,
Deputy Sheriff.

Now comes the return of this very Carleton, the pretended officer:

COMMONWEALTH OF MASSACHUSETTS, Suffolk, ss.
April 4, 1860.

Before Lemuel Shaw, chief justice of the supreme judicial court of Massachusetts.

In the matter of F. B. Sanborn.

And now before the said chief justice comes Silas Carleton, the deputy—

He so calls himself—

of Dunning R. McNair, Sergeant-at-Arms of the Senate of the United States of America, and for answer saith: that by virtue of a certain warrant duly issued by authority of the Senate of the said United States, now in session, on the 16th day of February, A. D. 1860, a copy of which is hereto annexed and made part of this answer, that he did arrest, for the causes in said warrant and the said copy thereof more fully set forth, on the 3d day of April, instant, the body of the said F. B. Sanborn, at Concord, in the county of Middlesex and Commonwealth aforesaid, and that afterwards, (after having arrested him,) to wit: on the day and at the place aforesaid, he, the said F. B. Sanborn, was taken from his custody by one John B. Moore, then and there acting as one of the deputies of the sheriff of said county of Middlesex, and that the said F. B. Sanborn was so taken from his custody by the said John B. Moore, by virtue of a proceeding or writ issued under the hand and seal of the Honorable Ebenezer Rockwood Hoar, associate justice of the said supreme judicial court, on the 3d day of April, instant. SILAS CARLETON,

Deputy of the Sergeant-at-Arms Senate of United States.

SUFFOLK, ss. *April* 4, 1860.

Subscribed and sworn to before
S. M. QUINCY,
Justice of the Peace.

There, sir, is the official response to the assertion of the Senator from Virginia. The Senator says he was rescued by a mob. It is true there was a mob in Concord. It was a mob of kidnappers, who went there in the name of the Senate of the United States to seize a citizen of Massachusetts. I have here a letter which I have received from one of the most distinguished citizens of Concord, who was present at the time. This is his statement:

"No rescue by the crowd was made or attempted till the writ of *habeas corpus* was served; and this, even, Carleton and his fellows resisted till the deputy sheriff was obliged to use force to take Mr. Sanborn from him." * * * "The arrest was as brutal, cowardly, and outrageous a proceeding as I ever knew in seven years' experience as sheriff of that county."

Sir, it is not unnatural that an arrest made under such circumstances should have attracted attention in that town and throughout the Commonwealth of Massachusetts. It has. It has excited a feeling of indignation against the act; and perhaps that is increased when people put this question: "Why all this effort to seize Mr. Sanborn? Why this overthrow of law to accomplish that purpose?" It is notorious that there is a citizen of Virginia, formerly the chief magistrate of that State, who has openly avowed that he knew much in regard to the very matters in inquiry before that committee, and that rubies should not bribe him to disclose it. He has thrown the challenge down to that committee and this Senate before the whole country, refusing openly to testify; and yet that committee makes no motion to bring ex-Governor Wise before the Senate, and compel him to testify. Instead of that, it seeks a northern man, Mr. Hyatt, now in jail, and another northern man, Mr. Sanborn, who it is well understood know nothing on the matter; and it follows up Mr. Sanborn by an act which I characterize here as simply an act of kidnapping.

I offer these papers, and ask that they go with the memorial already on the table.

The VICE PRESIDENT. If there be no objection, the papers presented by the Senator from Massachusetts will, for the present, lie with the memorial on the table.

Mr. MASON. Before that is done, the Senate will allow me to say a word in reply to what has fallen from the Senator from Massachusetts. When he presented the memorial of this man Sanborn, I objected to the reference which he proposed to give it, upon the ground that I thought no action could be taken upon it until we had the official return upon the warrant under which he had been arrested; and, in the course of the remarks which were made in reply, according to my recollection, to what then came from that Senator, I stated that I, of course, had no personal knowledge of anything that transpired; but that, as well as I could gather from a hasty correspondence with the marshal, whose deputy was the party that made the arrest, Sanborn, when arrested, had been rescued by a mob in the town of Concord, from the officers of the law. That was denied by the Senator, on information that he had received to the contrary. I had no other information, of course, than that communicated to me by the correspondence. Since then, I have received—and only last night—the official return of the officer who made the arrest; and it is my purpose, on Monday, under the instructions of the select committee, to present the question to the Senate for the disposition that that committee have instructed me to move shall be made of the subject. It may possibly involve an inquiry which will ascertain the facts, which would seem to be in controversy between the party making the arrest and the deputy sheriff who served the *habeas corpus*. I will not now go further into the subject; but we have the circumstances that transpired under oath of the party who made the arrest—the deputy of the Sergeant-at-Arms. I shall, I say, on Monday, move, under the instructions of the committee, for the disposition of that subject which they have instructed me to move.

In reply to what fell from the Senator in reference to the action of the committee, I will say this: it has been the pleasure of that Senator to say that a citizen of the State of Virginia, who was late its chief magistrate or Governor, as he learns through the press, has stated that he had information on the subject which the committee were required to inquire into with reference to the occurrences at Harper's Ferry which rubies could not bribe him to disclose; and it has been the pleasure of that Senator to assume that the committee have taken no action to have that gentleman brought before them as a witness, and to assume that they have done it from a desire only to get that sort of information from northern men. Now, I will say to the Senator that he has spoken upon a subject of which he has no information. I assume that the members of the committee have disclosed nothing as to that. I say, therefore, the Senator has stated here, as matters affecting and impugning the conduct of the committee in the inquiry committed to them, that upon which he can have no information. What has been done in that matter, if anything, will be divulged in good time, when the report is made. At present, the Senator can have no information on the subject.

Mr. SUMNER. Mr. President, I profess to have no information except what is open to all the world; and there are two things that are open to all the world, that is, so far as they are known through the press: first, that the ex-Governor of Virginia has more than once declared that he had important information in reference to that matter, and that rubies would not tempt him to disclose it; and secondly, it is known that the ex-Governor of Virginia has not been brought to Washington as Mr. Hyatt has been, and as an attempt has been made to bring Mr. Sanborn. No kidnappers have been sent into Virginia, nor handcuffs put upon ex-Governor Wise.

The VICE PRESIDENT. The papers will lie on the table.

PATENT LAWS.

Mr. BIGLER. I move that the Senate proceed to the consideration of the bill (S. No. 10) in addition to "An act to promote the progress of the useful arts."

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BIGLER. I suggest that that part of the bill which has been reported as a substitute is the only part that perhaps need be read.

The VICE PRESIDENT. The bill has never been read in the Senate. The Secretary will read the bill at length.

The Secretary proceeded to read the bill.

Mr. BIGLER. I suggest—and perhaps the Senate will agree by unanimous consent—as this bill was recommitted to the committee and a substitute reported for the entire bill, that only the substitute be read.

The VICE PRESIDENT. The Senator from Pennsylvania states that this bill was recommitted to the Committee on Patents, who have reported a substitute for the entire bill; and he asks unanimous consent to suspend the reading of the bill, and that the substitute only be read. If there be no objection, that course will be pursued. The Chair hears no objection. The Secretary will read the amendment of the committee.

The Secretary read the amendment reported by the committee, to strike out all after the enacting clause of the bill, and insert the following in lieu thereof:

That the Commissioner of Patents may establish rules for taking affidavits and depositions required in cases pending in the Patent Office, and such affidavits and depositions may be taken before any justice of the peace, or other officer authorized by law to take depositions to be used in the courts of the United States, or in the State courts of any State where such officer shall reside; and in any contested case pending in the Patent Office, it shall be lawful for the clerk of any court of the United States for any district or Territory, and he is hereby required, upon the application of any party to such contested case, or the agent or attorney of such party, to issue subpenas for any witnesses residing or being within the said district or Territory, commanding such witnesses to appear and testify before any justice of the peace, or other officer as aforesaid, residing within the said district or Territory, at any time and place in the subpena to be stated; and if any witness, after being duly served with such subpena, shall refuse or neglect to appear, or, after appearing, shall refuse to testify, (not being privileged from giving testimony,) such refusal or neglect being proved to the satisfaction of any judge of the court whose clerk shall have issued such subpena, said judge may thereupon proceed to enforce obedience to the process, or to punish the disobedience in like manner as any court of the United States may do in case of disobedience to process of subpena *ad testificandum* issued by such court; and witnesses in such cases shall be allowed the same compensation as is allowed to witnesses attending the courts of the United States: *Provided*, That no witness shall be required to attend at any place more than forty miles from the place where the subpena shall be served upon him to give a deposition under this law: *Provided also*, That no witness shall be deemed guilty of contempt for refusing to disclose any secret invention made or owned by him: *And provided further*, That no witness shall be deemed guilty of contempt for disobeying any subpena directed to him by virtue of this act, unless his fees for going to, returning from, and one day's attendance at the place of examination shall be paid or tendered to him at the time of the service of the subpena.

SEC. 2. *And be it further enacted*, That, for the purpose of securing greater uniformity of action in the grant and refusal of letters patent, there shall be appointed in the same manner as now provided by law for the appointment of examiners, a board of three examiners-in-chief, at an annual salary of $3,000 each, to be composed of persons of competent legal knowledge and scientific ability, whose duty it shall be, on the written petition of the applicant for that purpose being filed, to revise and determine upon the validity of decisions made by examiners when adverse to the grant of letters patent; and also to revise and determine in like manner upon the validity of the decisions of examiners in interference cases, and when required by the Commissioner in applications for the extension of patents, and to perform such other duties as may be assigned to them by the Commissioner; that from the decisions of this board appeals may be taken to the Commissioner of Patents in person, upon payment of the fee hereinafter prescribed; that the said examiners-in-chief shall be governed in their action by the rules to be prescribed by the Commissioner of Patents. No appeal shall hereafter be allowed from the decision of the Commissioner of Patents, except in cases pending prior to the passage of this act.

SEC. 3. *And be it further enacted*, That no appeal shall be allowed to the examiners-in-chief from the decisions of the primary examiners, except in interference cases, until after the application shall have been twice rejected; and the second examination of the application by the primary examiner shall not be had until the applicant, in view of the references given on the first rejection, shall have renewed the oath of invention, as provided for in the seventh section of the act entitled "An act to promote the progress of the useful arts, and to repeal all acts and parts of acts heretofore made for that purpose," approved July 4, 1836.

SEC. 4. *And be it further enacted*, That the salary of the Commissioner of Patents, from and after the close of the present fiscal year, shall be $4,500 per annum, and the salary of the chief clerk of the Patent Office shall be $2,500.

SEC. 5. *And be it further enacted*, That the Commissioner of Patents is authorized to restore to the respective applicants, or when not removed by them, to otherwise dispose of such of the models belonging to rejected applications as he shall not think necessary to be preserved. The same authority is also given in relation to all models accompanying applications for designs. He is further authorized to dispense, in future, with models of designs, when the design can be sufficiently represented by a drawing.

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SEC. 6. *And be it further enacted*, That the tenth section of the act approved the 3d of March, 1837, authorizing the appointment of agents for the transportation of models and specimens to the Patent Office, is hereby repealed.

SEC. 7. *And be it further enacted*, That the Commissioner is further authorized, from time to time to appoint, in the manner already provided for by law, such an additional number of principal examiners, first assistant examiners, and second assistant examiners as may be required to transact the current business of the office with dispatch, provided the whole number of additional examiners shall not exceed four of each class, and that the total annual expenses of the Patent Office shall not exceed the annual receipts.

SEC. 8. *And be it further enacted*, That the Commissioner may require all papers filed in the Patent Office to be correctly, legibly, and clearly written, or printed at the cost of the parties filing such papers; and for gross misconduct he may refuse to recognize any person as a patent agent, either generally or in any particular case; but the reasons of the Commissioner for such refusal shall be duly recorded, and subject to the approval of the President of the United States.

SEC. 9. *And be it further enacted*, That no money paid as a fee on any application for a patent after the passage of this act shall be withdrawn or refunded, nor shall the fee paid on filing a caveat be considered as part of the sum required to be paid on filing a subsequent application for a patent for the same invention.

That the three months' notice given to any caveator, in pursuance of the requirements of the twelfth section of the act of July 4, 1836, shall be computed from the day on which such notice is deposited in the post office at Washington, with the regular time for the transmission of the same added thereto, which time shall be indorsed on the notice; and that so much of the thirteenth section of the act of Congress, approved July 4, 1836, as authorizes the annexing to letters patent of the description and specification of additional improvements is hereby repealed, and in all cases of additional improvements, a separate patent shall be issued.

SEC. 10. *And be it further enacted*, That all laws now in force fixing the rates of the Patent Office fees to be paid, and discriminating between the inhabitants of the United States and those of other countries, are hereby repealed, and in their stead the following rates are established: On filing each caveat, ten dollars; on filing each original application for a patent except for a design, twenty dollars; on issuing each original patent, ten dollars; on every appeal from the examiners-in-chief to the Commissioner, twenty dollars; on every application for a patent for a design, fifteen dollars; on every application for the reissue of a patent, thirty dollars; on every application for the extension of a patent, fifty dollars; and fifty dollars, in addition, on the granting of every extension; on filing each disclaimer, ten dollars; for certified copies of patents, and so forth, twelve cents per hundred words; for recording every assignment, agreement, power of attorney, and so forth, of three hundred words or under, one dollar; for recording every assignment, and so forth, over three hundred and under one thousand words, two dollars; for recording every assignment or other writing, if over one thousand words, three dollars; for copies of drawings, the reasonable cost of making the same.

SEC. 11. *And be it further enacted*, That all applications for patents shall be completed and prepared for examination within two years after the filing of the petition, and in default thereof, they shall be regarded as abandoned by the parties thereto; and all applications for the extension of patents shall be filed at least ninety days before the expiration thereof; and notice of the day set for the hearing of the case shall be published, as now required by law, for at least sixty days.

SEC. 12. *And be it further enacted*, That in all cases where an article is made or vended by any person under the protection of letters patent, it shall be the duty of such person to give sufficient notice to the public that said article is so patented, either by stamping thereon the word patented, together with the day and year the patent was granted; or when, from the character of the article patented, that may be impracticable, in the judgment of the Commissioner of Patents, by enveloping one or more of the said articles, and affixing a label to the package, or otherwise attaching thereto a label on which the notice, with the date, is printed; on failure of which, in any suit for the infringement of letters patent by the party failing so to label or stamp the article the right to which is infringed upon, no damage shall be recovered by the plaintiff, except on proof that the defendant was duly notified of the infringement, and continued after such notice to make or vend the article patented. And the sixth section of the act entitled "An act in addition to 'An act to promote the progress of the useful arts,'" and so forth, approved the 29th day of August, 1842, be, and the same is hereby, repealed.

SEC. 13. *And be it further enacted*, That all acts and parts of acts heretofore passed which are inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. BIGLER. I desire to make a few unimportant amendments before the Senate votes on the substitute reported by the committee. In section ten, line twenty, line twenty-three, and line twenty-five of the substitute, I propose to strike out the words "and so forth," and insert the words "and other papers."

The amendment to the amendment was agreed to.

Mr. BIGLER. I propose another amendment, in section eleven, line five, after the word "thereto," to insert: "unless it be shown to the satisfaction of the Commissioner of Patents that such delay was unavoidable; nor shall this section be construed to apply to applications now pending;" so that the section will read:

And be it further enacted, That all applications for patents shall be completed and prepared for examination within two years after the filing of the petition; and in default thereof, they shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner of Patents that such delay was unavoidable; nor shall this section be construed to apply to applications now pending; and all applications for the extension of patents shall be filed at least ninety days before the expiration thereof, &c.

Mr. TRUMBULL. It strikes me that amendment ought not to be made. Surely, if we limit those who are hereafter to file their applications to two years, there is no propriety in allowing those who have already filed them, more than two years. Why should you exclude those who have already filed their applications from the operation of the law? It is a mere limitation. You propose to limit the rights of these parties to two years—to require them to offer their applications within two years—and you make this prospective to all applications hereafter to be filed; and now an amendment is offered allowing those who have already filed their applications more than two years to perfect them. There is no propriety in that. If they have already filed their applications, and have the same length of time hereafter as a person who hereafter files his application, it is all any one can require. I think there should be no such exception as that. On the contrary, in passing limitation laws, it is frequently the case—where we limit the right of action, for instance, to five years, on causes of action hereafter arising—that it is provided that, for the causes of action that have heretofore existed, two years shall be the limitation; but nobody ever thought of giving those who previously had a cause of action a longer time than was given in favor of those who should hereafter acquire a right of action. I think the amendment ought not to be adopted.

Mr. BIGLER. One suggestion to the Senator. There are cases pending where this section might operate hardly. The Senator from Illinois will observe that there might be some difficulty about the construction of this section. It is not clear that it would be held to be applicable to cases heretofore presented. There are cases pending now, that, as he has remarked very truly, have been there for much more than two years; and it is suggested that, in some cases, it can be shown that the delay has been unavoidable; that it has been no fault of the applicant; nothing over which he had any control that caused the delay. Now, this section provides that, after the term of two years, an application, if not perfected, shall be regarded as abandoned. I suggest to the Senator that a change in the language of the amendment might perhaps meet his views.

Mr. TRUMBULL. Limitation laws have never been construed to have a retroactive operation.

Mr. BIGLER. I suggest these words: "that cases now pending shall be treated as original applications."

Mr. TRUMBULL. I have no objection to that, of course.

Mr. BIGLER. That would give the cases now pending two years, and that is all that is desired. I will, therefore, modify the amendment to read, "that cases now pending shall be treated as original applications." That meets the difficulty presented by the Senator from Illinois. That will give two years from the passage of the act for these cases.

The VICE PRESIDENT. If there be no objection, the amendment to the amendment can be so modified. The Secretary will read the amendment, as modified.

The Secretary read it, as follows:

In section eleven, line five, after the word "thereto," insert: "all cases now pending shall be treated as original applications."

The amendment to the amendment was agreed to.

Mr. BIGLER. I propose to amend section twelve, in line eight, after the word "impracticable," by striking out the words "in the judgment of the Commissioner of Patents;" because the judgment of the Commissioner of Patents would not be susceptible of proof.

The amendment to the amendment was agreed to.

Mr. BIGLER. Now, if I can get the attention of the Senate, I will go over the main features of this bill, and endeavor to explain them——

Mr. SIMMONS. I should like to call the attention of the chairman of the Patent Office Committee to a provision here with reference to applications for patents for design. It is in the twelfth and thirteenth lines of the tenth section. I think the committee struck out the power of patenting designs, and, of course, that being the case, we ought not to leave any fees for them. I think there are no designs patentable by the provisions of the bill; but I see there is a fee here for that. I think it would be proper to strike out the twelfth and thirteenth lines of the tenth section, fixing a fee for a patent for a design. You cannot patent a design under the bill as it is amended.

Mr. BIGLER. There are designs under the old law.

The VICE PRESIDENT. The Senators will pause. The Chair must call up the business set apart for to-day.

Mr. BIGLER. I hope the Senate will postpone the regular order for, say, half an hour. I move to postpone the order of the day until two o'clock.

Mr. IVERSON. I object to that. I shall consent to let the Senator have half an hour, if he will agree that at the end of that time he will not press the subject longer.

The VICE PRESIDENT. What is the motion of the Senator from Pennsylvania?

Mr. BIGLER. To postpone the regular order until two o'clock; but I will modify it, and say half past one o'clock.

The VICE PRESIDENT. The Chair calls up the Private Calendar, the regular order for this hour. The Senator from Pennsylvania moves to postpone it until half past one o'clock, to consider this bill.

Mr. HAMLIN. I am disposed to aid the Senator from Pennsylvania in getting along with his bill, but I do not think it is within the scope of possibility for him to get it through in another hour. There are several objections to the bill, which will certainly occasion some discussion, and I hope the Senator will not press it now. He will press it against the friends of the bill, if he is disposed to do so. I want to amend the bill in the tenth section. If I understand that section, it provides for reciprocity in invention. I want to confine that reciprocity to those nations that will give reciprocity to us. In other words, I want to add after the word "countries," in the fourth line, the words "which shall not discriminate against the inhabitants of the United States;" and there are several amendments to be offered by gentlemen around me. I hope it will not be pressed now.

Mr. BIGLER. My object was to explain al these matters. Prussia is the only country, except the United States, that does discriminate Canada has interdicted the issuing of patents to Americans as a matter of retaliation.

The VICE PRESIDENT. The question is on the motion to postpone the Private Calendar until half past one o'clock, to continue this bill.

The motion was not agreed to.

DAVID MYERLE.

The first bill on the Private Calendar was the bill (S. No. 118) for the relief of David Myerle.

Mr. CLARK. The Senator from Florida [Mr. MALLORY] had some interest in this bill. He is absent from the city; and I hope it will be postponed until next private bill day.

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

Mr. CLARK. I have no objection. I supposed that the Senate would desire a postponement; but if it is desired to pass the bill now, I shall not press the motion.

Mr. CRITTENDEN. I hope it will be postponed. I do not know what interest that gentleman takes in it; but I could never myself see very well how Mr. Myerle is entitled to $44,000. I know something of his operations in Kentucky; and how he has ever conferred benefit enough on the State of Kentucky, or employed himself in labor sufficient to earn $44,000, or half that sum, I am entirely ignorant of; and it was just in my neighborhood that he was sent to teach the people of Kentucky how to manage and handle their hemp. I renew the motion to postpone.

Mr. FESSENDEN. I do not know what Mr. Myerle himself wishes about it. I understood that the bill was coming up. I do not wish to oppose the postponement, if the chairman of the Committee on Claims [Mr. IVERSON] thinks it best to postpone it. I only know that I have formed a very decided opinion as to the matter, and that it is probably familiar to most of the members of the

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THE CONGRESSIONAL GLOBE:

CONTAINING

THE DEBATES AND PROCEEDINGS

OF THE

FIRST SESSION OF THE THIRTY-SIXTH CONGRESS:

ALSO, OF THE

SPECIAL SESSION OF THE SENATE.

BY JOHN C. RIVES.

CITY OF WASHINGTON:
PRINTED AT THE OFFICE OF JOHN C. RIVES.
1860.

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eral Smith. That is in accordance with all the acts of Congress of a similar character. The same provision was in the act of Congress granting a pension to Mrs. General Worth, Mrs. General Gaines, Mrs. General Brown, Mrs. General Jones, and many others, which I need not detain the House by mentioning. In the case of Mrs. General Riley and Mrs. General Macomb, included in the Senate bill, a discrimination was made, and their pensions were made to date from the passage of the act; and the office of the amendment is only to put them all on the same footing, and make them all correspond with the previous acts which have been passed by Congress: that they shall date from the time of the decease of the officers.

The amendment is to strike out the words "from the passage of the act," and to insert in lieu of it the words, "from the date of the decease of their husbands respectively." I demand the previous question.

Mr. BRANCH. Is it in order to move that the House resolve itself into a Committee of the Whole House on the Private Calendar?

Mr. SICKLES. I have the floor.

Mr. BRANCH. Not after you have called the previous question.

Mr. LONGNECKER. I move that the bill be referred to the Committee on Military Affairs.

Mr. SICKLES. I have the floor.

Mr. BRANCH. Whenever the gentleman yields the floor, I want to move that the House resolve itself into a Committee of the Whole House.

Mr. SICKLES. I call for the previous question.

Mr. BRANCH. I now claim the floor. The gentleman has called for the previous question, and he cannot retain the floor further.

The SPEAKER. That is so.

Mr. STEVENSON. If the gentleman will yield to me, I will move that the House do now adjourn.

Mr. BRANCH. I yield for that purpose.

Mr. SICKLES. I appeal to the gentleman from Kentucky not to press the motion to adjourn now, but, if it be the desire to adjourn, that I shall be allowed to enter a motion to recommit the bill, to keep it before the House.

Mr. STEVENSON. If the gentleman will agree to refer the bill to a Committee of the Whole House, I will yield for that purpose. I am opposed to any sort of discrimination in favor of one of these claims bills over another. I think that it is unjust to single out particular widows and particular men to pass their claims, when there are others standing upon the Calendar, equally as meritorious, which are forgotten.

Mr. BRANCH. That is sound, good sense.

Mr. STEVENSON. I move that the House adjourn.

The motion was agreed to; and thereupon (at twenty minutes past four o'clock, p. m.) the House adjourned until Monday.

IN SENATE.

MONDAY, *April* 16, 1860.

Prayer by Rev. JOHN CHAMBERS, of Philadelphia.

The Journal of Friday last was read and approved.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate a report of the Secretary of the Navy, communicating, in obedience to law, an abstract of offers for furnishing naval supplies, coming under the cognizance of the bureau of yards and docks, for the year ending June 30, 1860, and a list of contracts made by that bureau; which was ordered to lie on the table.

Mr. SUMNER. There were certain papers from the President laid on the table a few days ago, in answer to a resolution of the Senate, with regard to the occupation of a guano island in the West Indies—the island of Navasa. I move that they be printed. There was no motion in reference to their printing made at the time.

The VICE PRESIDENT. That motion will go to the Committee on Printing.

Mr. SUMNER. I believe they are printed, as a matter of course on motion. Are they not?

The VICE PRESIDENT. The motion must go to the Committee on Printing, under the rules.

PETITIONS AND MEMORIALS.

Mr. WADE presented the petition of Henry Durkee, praying indemnity for losses sustained in fulfilling a contract for supplying the United States troops at Plattsburg with fresh beef in the year 1839; which was referred to the Committee on Claims.

Mr. GRIMES presented a petition of citizens of Iowa, praying the establishment of a mail route from Forest City to Otranto, in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. KENNEDY presented the memorial of William T. Kendall, praying indemnity for property seized and confiscated by the alleged authority of the British Government, and for the value of guano on an island claimed under the act of August 18, 1856; which was referred to the Committee on Foreign Relations.

Mr. BIGLER presented the petition of Mary A. Bérault, heir and legal representative of the late Joseph Wheaton, a lieutenant in the revolutionary war, praying to be allowed the half pay promised by Congress to those who should serve to the end of the war; which was referred to the Committee on Revolutionary Claims.

He also presented the petition of John L. Kissick, a gunner's mate, injured by the explosion on board the United States steam frigate Princeton, in 1844, praying a pension; which was referred to the Committee on Pensions.

Mr. WILSON presented the petition of John L. Sullivan, praying that the Pacific and other railroads in our country may be constructed from the proceeds of the mineral lands of the United States, upon a plan presented in his petition; which was ordered to lie on the table.

Mr. WIGFALL presented the petition of Sarah F. Anderson, widow of the late Thomas P. Anderson, a surgeon in the Texas navy, praying relief; which was referred to the Committee on Naval Affairs.

Mr. SLIDELL presented a petition of registers and receivers of the land offices in the Territories of Kansas and Nebraska, praying the reimbursement of money paid by them for clerk hire, rent, and fuel; which was referred to the Committee on Public Lands.

He also presented the petition of Charles H. Hyde, praying the reimbursement of expenses incurred in deepening the channel of the Southwest Pass of the Mississippi river, under a contract with the United States; which was referred to the Committee on Commerce.

Mr. HUNTER presented papers in relation to the claim of the administrator of P. M. Taliaferro to the half pay for life promised by the resolves of Congress; which were referred to the Committee on Revolutionary Claims.

Mr. HALE. I desire to present to the Senate a petition of the People's Pacific Railroad Company, in which they represent that they have obtained a charter from the State of Maine, and propose to proceed to make application to the Legislature of California for leave to go through the territory of California; and they ask Congress to grant them leave to go through the public lands of the United States, and to make them such appropriation of lands as in the judgment of Congress the public interests may require. The plan is novel, and I can say for the enterprising projectors of it that they are enthusiastic, and confident that they will be able, through this plan, to build the road. It is not an appeal to great capitalists, but to the people at large by subscriptions of small sums. I ask that the petition be received and referred to the Committee on Public Lands, as I believe we have no Pacific railroad committee.

Mr. GWIN. I suggest to the Senator that it be laid on the table and printed. All the projects for a Pacific railroad are on the table and on the Calendar. Let them all come up together.

Mr. HALE. This is partially printed now, but, if it be more agreeable to the Senator from California, I will move that it lie on the table and be printed.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. HAYES, Chief Clerk, announced that the House had passed the following bills, in which the concurrence of the Senate was requested:

A bill (No. 627) for the relief of the widow and other heirs of William Higgins, deceased;

A bill (No. 637) to settle the titles to certain lands set apart for the use of certain half-breed Kansas Indians in Kansas Territory;

A bill (No. 640) for the relief of Wendell Trout; and

A bill (No. 656) to grant a pension to Mary I. Harris, widow of Colonel Thomas L. Harris, deceased.

The message further announced that the House had passed the following bills and joint resolutions of the Senate:

A bill (No. 42) for the relief of the heirs and legal representatives of Mark Elisha;

A bill (No. 229) for the relief of Angelina C. Bowman, widow of Francis L. Bowman, late captain in the United States Army;

A joint resolution (No. 24) for the compensation of Rev. R. R. Richards, late chaplain to the United States penitentiary, District of Columbia; and

A joint resolution (No. 4) to allow a credit to certain disbursing officers therein named.

The message further announced that the House had disagreed to the amendments of the Senate to the amendment of the House of Representatives to the bill of the Senate (No. 192) authorizing the corporation of Washington city to make a loan and issue stock for $200,000 for building a market-house.

BILLS INTRODUCED.

Mr. WILSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 408) for the more effectual suppression of the slave trade; which was read twice by its title, and ordered to lie on the table, and be printed.

Mr. SEBASTIAN asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 31) explanatory of the eighth section of the act of Congress, approved February 28, 1859; which was read twice by its title, and referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. FOSTER, from the Committee on Revolutionary Claims, to whom was referred the memorial of Elizabeth Landsdale and Maria M. Fox, heirs of General Stephen Moylan, submitted a report, accompanied by a bill (S. No. 409) for the relief of the heirs of General Stephen Moylan, of the Revolution. The bill was read, and passed to a second reading; and the report was ordered to be printed.

Mr. DURKEE, from the Committee on Pensions, to whom was referred the bill (H. R. No. 318) for the relief of Andrew E. Marshall, reported it without amendment.

Mr. POWELL, from the Committee on Pensions, to whom was referred the petition of citizens of Upper Tulpehocken, Pennsylvania, praying a pension for Michael Lauck, reported adversely thereon.

He also, from the same committee, to whom was referred the bill (H. R. No. 600) for the relief of the children and heirs of Alexander Montgomery, asked to be discharged from its further consideration, and that it be referred to the Committee on Revolutionary Claims; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 269) granting a pension to James Lacey, of Grainger county, Tennessee, reported it without amendment.

Mr. TEN EYCK, from the Committee on Revolutionary Claims, to whom was referred the petition of the heirs of Lieutenant Charles Webber, of the revolutionary war, asked to be discharged from its further consideration; which was agreed to.

Mr. THOMSON, from the Committee on Pensions, to whom was referred the petition of Nathan Wilkins and others, praying that the heirs of the militia of the Indian wars and of the war of 1812 may be placed on the same footing in regard to bounty land as those who served in the war with Mexico, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

Mr. CLAY, from the Committee on Pensions, to whom was referred the bill (H. R. No. 277) for the relief of Webster S. Steele, reported adversely thereon.

He also, from the same committee, to whom was referred the bill (H. R. No. 314) for the relief of Emma A. Wood, widow of the late Brevet Major George W. F. Wood, of the United States Army, reported it without amendment.

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business can be entertained by the Senate after Thursday next, and I will therefore propose, if it be agreeable to the Senator from Georgia, to fix a day for it.

Mr. TOOMBS. I hope it will be taken up at an early day, as the action referred to was suspended for this Congress.

Mr. SLIDELL. I will name, then, the first Monday in May, or if there can be an earlier day in May, it will be gratifying to me.

Mr. TOOMBS. I hope the Senate will concur in it. I second the motion.

Mr. SLIDELL. I move that the bill be made the special order for the first Monday in May, and I trust to the indulgence and courtesy of Senators to dispose of the question.

The PRESIDING OFFICER. It is moved to take up the bill (S. No. 307) to repeal the second section and other portions of an act passed the 2d day of June, 1858, entitled "An act to provide for the location of certain confirmed private land claims in the State of Missouri, and for other purposes; and also to provide for the final settlement of certain private land claims in the State of Louisiana."

The motion was agreed to; and the bill was made the special order for the first Monday in May, at one o'clock.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

A bill (No. 640) for the relief of Wendell Trout—to the Committee on Pensions.

A bill (No. 627) for the relief of the widow and other heirs of William Higgins, deceased—to the Committee on Public Lands.

A bill (No. 656) to grant a pension to Mary I. Harris, widow of Colonel Thomas L. Harris, deceased—to the Committee on Pensions.

A bill (No. 637) to settle the titles to certain lands set apart for the use of certain half-breed Kansas Indians, in Kansas Territory—to the Committee on Indian Affairs.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. FORNEY, its Clerk, announced that the Speaker of the House had signed an enrolled bill (S. No. 42) for the relief of the heirs and legal representatives of Mark Elisha; and also the enrolled bill (H. R. No. 213) to incorporate the United States Agricultural Society; and they were signed by the Vice President.

PRINTING OF DOCUMENTS.

The message further announced that the House had ordered, on the 13th instant, at twelve o'clock and thirty-eight minutes, the printing of a letter from the Secretary of War, transmitting, in compliance with a resolution of the House, a statement of the number of officers, privates, &c., who served for a period of six months and upwards in the war of 1812.

The message further announced that the House had ordered, this day, the printing of the following documents:

Message of the President of the United States, transmitting, in compliance with a resolution of the House, information concerning Indian hostilities in the Territory of New Mexico—ordered at twelve o'clock and thirty-eight minutes.

Letter of the Secretary of the Navy, transmitting an abstract of offer for furnishing naval supplies coming under the cognizance of the bureau of yards and docks—ordered at twelve o'clock and thirty-nine minutes.

PATENT LAWS.

The PRESIDING OFFICER. The bill (S. No. 10) in addition to "An act to promote the progress of the useful arts," is before the Senate as in Committee of the Whole, the pending question being on the amendment reported by the Committee on Patents as a substitute for the bill.

Mr. HAMLIN. I propose to amend the substitute, by adding after the word "countries," in line four, section ten, the words——

Mr. HALE. I wish that the bill may be read through, and amended section by section. I may have an amendment to offer to the first section.

Mr. HAMLIN. It has been read through, and I object to its being read again, unless the Senate so vote.

Mr. BIGLER. The Senator can prepare his amendment whilst I go over the several sections of the bill, as I intend to do.

The PRESIDING OFFICER. The reading of the bill is called for.

Mr. HUNTER. I think it had better be read. It is said to be a very important bill. I do not remember having heard it read.

Mr. BIGLER. It has been read at length. I propose to go over the several sections and explain them.

Mr. HUNTER. Very well; that is sufficient, if the Senator will explain it.

The PRESIDING OFFICER. The first question is on the amendment offered by the Senator from Maine.

Mr. HALE. I ask, as a question of order, if it is not the orderly way of doing business to take up a bill, section by section, and read it through and amend it as we go along? I think that is the proper way.

Mr. BIGLER. The whole bill is before the Senate, and the Senator can move to amend any part of it.

The PRESIDING OFFICER. Does the Senator from New Hampshire insist on his call for the reading?

Mr. HALE. No, sir; but I insist on the regular order of business. The regular order, I understand, is to read the bill section by section, and move amendments to each section in order. If that is the orderly way of doing business, it ought to be pursued.

The PRESIDING OFFICER. The Chair is informed by the Secretary that that has been done before.

Mr. HALE. The Secretary is mistaken. The bill has not been read through, section by section, for amendment.

Mr. BIGLER. The entire bill was read, every section of it, and the Senator was here at the time, I think.

Mr. HALE. I was.

Mr. BIGLER. The Senator can move to amend any section, or he can move to strike any section from the bill. It is all at the disposition of the Senate. The amendment of the Senator from Maine has not been read.

The PRESIDING OFFICER. The Chair will state to the Senate that the call of the Senator from New Hampshire is in order, if insisted on.

Mr. HALE. I do insist upon it.

The PRESIDING OFFICER. The bill will be taken up and read by sections, unless the Senate otherwise order.

Mr. BIGLER. Very well; let the first section of the bill be read, then.

The PRESIDING OFFICER. The Secretary will read the first section.

The Secretary read the first section of the proposed substitute, as follows:

That the Commissioner of Patents may establish rules for taking affidavits and depositions required in cases pending in the Patent Office, and such affidavits and depositions may be taken before any justice of the peace, or other officer authorized by law to take depositions to be used in the courts of the United States, or in the State courts of any State where such officer shall reside; and in any contested case pending in the Patent Office it shall be lawful for the clerk of any court of the United States for any district or Territory, and he is hereby required, upon the application of any party to such contested case, or the agent or attorney of such party, to issue subpenas for any witnesses residing or being within the said district or Territory, commanding such witnesses to appear and testify before any justice of the peace, or other officer as aforesaid, residing within the said district or Territory, at any time and place in the subpena to be stated; and if any witness, after having been duly served with such subpena, shall refuse or neglect to appear, or, after appearing, shall refuse to testify, (not being privileged from giving testimony,) such refusal or neglect being proved to the satisfaction of any judge of the court whose clerk shall have issued such subpena, said judge may thereupon proceed to enforce obedience to the process, or to punish the disobedience in like manner as any court of the United States may do in case of disobedience to process of *subpena ad testificandum* issued by such court; and witnesses in such cases shall be allowed the same compensation as is allowed to witnesses attending the courts of the United States: *Provided*, That no witnesses shall be required to attend at any place more than forty miles from the place where the subpena shall be served upon him to give a deposition under this law: *Provided, also*, That no witness shall be deemed guilty of contempt for refusing to disclose any secret invention made or owned by him: *And provided, further*, That no witness shall be deemed guilty of contempt for disobeying any subpena directed to him by virtue of this act, unless his fees for going to, returning from, and one day's attendance at, the place of examination, shall be paid or tendered to him at the time of the service of the subpena.

Mr. BIGLER. The reason for this section must be very obvious, and the necessity for it is so conclusive, that I am satisfied it will receive the vote of the Senator from New Hampshire. It is a singular fact that, in the organization of this institution, no authority was conferred upon any tribunal to subpena witnesses. Litigation of a very important character, everybody knows, grows out of the affairs connected with this office. It is the duty of the Commissioner of Patents, for instance, to declare interferences between applications for patents in original cases. It is his duty to declare an interference between an application and a patent already in existence. These cases lead to litigation. Now, there is no authority for subpenaing witnesses or taking affidavits. The practical operation has been this: the case arises; the parties are notified; a day is fixed for hearing the case; the parties endeavor to get their testimony; you cannot say they subpena their witnesses, for they have no authority to do so; they give them notice, and endeavor, as best they can, to secure the attendance of the witnesses; but perhaps on the day fixed, when everything is arranged for the hearing, some one of these witnesses turns his back on the whole affair, refuses to come, and there is no means of requiring his attendance, and the result is that the case must be postponed. All this has embarrassed the operations of the department seriously, and at the same time throws unnecessary expense on the litigants. The Commissioner states that there are instances in which they are obliged to virtually bribe witnesses—pay them exorbitant rates to get them to come forward and testify. The whole object of this first section is simply to authorize the proper tribunals to issue subpenas to compel the attendance of witnesses, and punish false swearing. I will read a paragraph on this point from the report of the Commissioner in 1857—a report made by the present Postmaster General, who, we all know, devoted himself very closely to this subject:

"While the statutes organizing and regulating the action of this office constitute, perhaps, the best system of patent laws ever devised, still, the experience of the last twenty years has disclosed various imperfections in their provisions; the more prominent of which, with the remedies proposed, I deem it proper, at this time, briefly to urge upon the attention of Congress.

"In applications for the extension of patents, and in interference cases, a wide range of inquiry into matters of fact is often essential to the ends of justice. The existing laws furnish no means for compelling the attendance of witnesses, nor for obliging them to testify upon such issues. The interests bound up with these investigations are frequently of the greatest magnitude; and, as a consequence, refractory or mercenary men, availing themselves of this omission in the law, have refused to appear or give their depositions, except upon the payment of the most exorbitant sums by parties claiming the testimony. Cases of this character, while working the most cruel hardship to individuals, have tended to bring the Administration of the Government into discredit, if not into contempt. No reason is perceived why the process of subpena, freely allowed to all litigating their interests in the courts of the country, shall be withheld from the parties to these important and complicated controversies."

There is the whole story of this case. It shows the necessity for the first section, and I hope that is satisfactory to my friend from New Hampshire. It is right to say, that as to the particular feature of the bill, I have never heard any diversity of opinion. It is desired in the Department by the most experienced men. It is desired by inventors, and, I think, by all their agents.

Mr. SUMNER. I think there is no objection to that section.

Mr. BIGLER. So much as to the first section. I understand the Senator from New Hampshire to insist that we shall proceed section by section. Is it the intention to require a vote on this section, or a vote on the whole bill?

Mr. HALE. I have not asked such a thing as a vote on each section. I have only asked that the ordinary course be pursued. It has not been the practice to vote section by section, but to consider the bill so. I do not ask anything unusual.

Mr. BIGLER. Then, I suppose the second section section will be read.

The PRESIDING OFFICER, (Mr. FOSTER in the chair.) The second section will now be read, unless some Senator wishes to remark further on the first section.

The Secretary read the second section of the substitute, as follows:

SEC. 2. *And be it further enacted*, That, for the purpose of securing greater uniformity of action in the grant and refusal of letters patent, there shall be appointed, in the same manner as now provided by law for the appointment of ex-

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aminers, a board of three examiners-in-chief, at an annual salary of three thousand dollars each, to be composed of persons of competent legal knowledge and scientific ability, whose duty it shall be, on the written petition of the applicant for that purpose being filed, to revise and determine upon the validity of decisions made by examiners when adverse to the grant of letters patent; and also to revise and determine in like manner upon the validity of the decisions of examiners in interference cases, and when required by the Commissioner in application for the extension of patents, and to perform such other duties as may be assigned to them by the Commissioner; that, from the decisions of this board, appeals may be taken to the Commissioner of Patents in person, upon payment of the fee hereinafter prescribed; that the said examiners-in-chief shall be governed in their action by the rules to be prescribed by the Commissioner of Patents. No appeal shall hereafter be allowed from the decision of the Commissioner of Patents, except in cases pending prior to the passage of this act.

Mr. BIGLER. The second section is made necessary by the rapid increase of business in the office. It was organized, I think, in 1836. Up to 1847 the business was of a very limited amount, and I can find no record; but in 1847 the applications were over seven hundred. Since then, they have been increasing with wonderful rapidity, and for the last year exceeded five thousand, and are estimated for the present year at six thousand two hundred. In consequence of the multiplicity of business, owing to the fact that after cases are examined many appeals are taken from the primary examiners, there is a necessity for this reorganization. The Commissioner is utterly unable to hear the appeals which are carried before him under the organization as it now stands, and he has been forced to select three of the principal examiners, and detail them to hear appeals from the primary examiners—a duty which the original law imposed upon the Commissioner, and which he was able to perform so long as the business was very limited; but now it is utterly out of the question.

As to this necessity, there is a concurrence of opinion, I think, amongst the Commissioners, or at least the four who have last filled the place. Judge Mason, Mr. Holt, and Mr. Bishop, all concur, as does the present incumbent, that it is utterly impossible for any one man to hear the appeals from the primary examination. This section constitutes a board of principal examiners, who are to hear the appeals from the primary examiners. It allows an appeal from this board to the Commissioner; but there is no appeal provided for in this bill from the Commissioner to the courts; and in that particular the organization is changed. Heretofore appeals were taken from the examiners to the Commissioner, and from the Commissioner to one of the judges of the circuit court of this District. This bill proposes to constitute a board of principal examiners, and from that board to allow an appeal to the Commissioner, and no appeal from the Commissioner to the courts.

Now, sir, it is hardly possible for any one who has not been connected with the details of this office to determine clearly and satisfactorily to himself whether these features are all wise or not; but I take it, the experience of men in a department like this, disconnected entirely from the excitements of the day, should be almost conclusive. They testify to the necessity of this measure. They insist upon its adoption. I believe it has been recommended here for five or six years; perhaps the one feature to which the Senator from New Hampshire referred has not been. I know there is some difference of opinion in regard to that particular feature. The reason why they asked this change in the department is the danger to the archives of the department and the inconvenience of carrying its documents into court. Then, again, the same principles which must necessarily control the court, control the Commissioner and control this board of examiners. They must be legal men, and they must be men educated in the exact sciences. As to that particular feature—an appeal from the Commissioner to a court—I will say to the Senator from New Hampshire that I care very little about it, except it seems to me that that makes the system too expensive under the proposed reorganization.

Mr. HALE. I move to strike out the second section, and I submit to the Senate my reasons for it. This is a very important change. It cuts off the whole body of inventors in this country from any approach to the judicial tribunals of the land for the ascertainment and settlement of their rights when asking for patents. It is true the bill leaves, as every bill must, the matter open to be contested by conflicting claimants before the judiciary after a patent is granted; but as to all those questions that relate to the granting of patents, to the granting of renewals or extensions—which, as everybody that knows anything about the Patent Office knows, sometimes involve property to the amount of millions, and involve the greatest possible interests that can be involved in any litigation before any tribunal—you propose to cut them off from the judiciary entirely, and to submit them to the arbitrary determination of one man, who, the Senator from Pennsylvania says, cannot possibly examine them; and to remedy——

Mr. BIGLER. It is unnecessary for the Senator from New Hampshire to entirely misrepresent what he certainly understood very clearly.

Mr. HALE. I call the Senator to order; and I want the question of order settled.

Mr. BIGLER. Well, sir, let us have the question of order——

Mr. HALE. He says I entirely misrepresent what I clearly understand.

The PRESIDING OFFICER, (Mr. FOSTER.) I asked the Senator if he yielded to the Senator from Pennsylvania? I have not yet given the floor to the Senator from Pennsylvania.

Mr. HALE. That is not the question I make. The question I make is, whether it is competent for a Senator to rise up here and accuse me of entirely misrepresenting what I clearly understand?

Mr. BIGLER. I did not intend to say that the Senator clearly understood it. I would have shown him in a moment, if he had permitted me, exactly where he misunderstood me. I said——

The PRESIDING OFFICER. Does the Senator from New Hampshire give way to the Senator from Pennsylvania?

Mr. HALE. I want the question of order settled.

The PRESIDING OFFICER. The Chair does not think it in order for one Senator to charge another with misrepresenting what he clearly understood.

Mr. HALE. That is all. Now I will hear the Senator.

Mr. BIGLER. Well, then, Mr. President, the Senator clearly misrepresented what I stated, if he intended to convey the idea that I said that the Commissioner, under this new law, would not be able to hear the cases. I was speaking of the law as it is. I spoke of the impossibility of the Commissioner hearing all the cases that were necessarily carried from the primary examiners. But under this bill, he only hears those which are to be carried from the board of examiners, which is to perform the duty that the Commissioner now performs. The Commissioner will take the place of the court. I do not know how many the cases would be, or what their relative number would be. That is to be determined by experience. But the most experienced men in the department think it will be possible, under the new organization, for the Commissioner to hear all these cases fully and thoroughly. That is what I intended to say.

But I wanted to remark further, that I care very little about this particular feature of the bill; for, as I said to the Senator from New Hampshire, it was one about which there was some difference of opinion. It does not interfere with the right of these parties in court, except as to the particular case before the Patent Office. Everybody knows that you have a right any where in the United States to contest a patent, to institute proceedings to show that it is not an original invention, or that it is defective in any other way that you please. But, sir, if that is the only objection—that it denies an appeal to the courts—the Senator ought to move to strike out that clause only: that feature which denies an appeal to the courts. If he is inclined to persist in striking out the whole section, I must read what the Commissioner, in his report of 1858, says on this particular feature. This is the report of Mr. Holt, who, as I before said, devoted himself very closely to this department, and has taken special interest in it, and who, I take it, understands its practical operation very much better than either the Senator from New Hampshire or myself. Here is what he says as to the necessity for creating this board of examiners:

"Since the month of November, 1857, a board temporarily organized, and consisting of three examiners, specially detailed for this duty, have been occupied in the examination of appeals from the decisions of the primary examiners to the Commissioner. During the past year they investigated and disposed of five hundred and thirty-five cases, in most of which they have submitted elaborately prepared reports. The results of their action have been eminently satisfactory, and have commanded, it is believed, the entire confidence of the country. The withdrawal of these officers from their respective classes has practically reduced the examining corps to nine instead of twelve, the number at which it was fixed in 1856. The applications of that year amounted to four thousand nine hundred and sixty; those of 1858 amounted to five thousand three hundred and sixty-four; so that with a reduced force there is a heavy increase of labor to be performed. This is unfortunate and to be deplored, in reference alike to the public and the inventor. The former has a deep interest in that thorough and faithful examination of applications contemplated by the patent laws, in order that rights which belong to all may not be unjustly monopolized by one; the latter has the same interest, lest a patent, hastily and incautiously granted, should prove in his hands but a lure to draw him into harassing and impoverishing litigation. The legalization of this board, and the restoration of examiners to the three classes now virtually deprived of them, would furnish at once the relief required.

"Since the establishment of this temporary board of appeals, the classes from which its members were respectively withdrawn have been in charge of those who have the rank and pay of assistant examiners only. In the new position, however, assigned them, they have had imposed upon them the responsibilities of examiners-in-chief, and it is due to them to say that they have discharged their duties with zeal and fidelity. In my judgment, it is but just that they should be compensated according to the character of the services they have rendered."

That is the discussion of the necessity of this board, which the second section proposes to create.

Mr. HALE. I am sure it was not necessary for the Senator to say he had no interest in this matter; because nobody said he had. I certainly have none, aside from the inventors and their interests; but striking out the last clause would not meet what I want. If I understand the extract from the report, read by the Senator from Pennsylvania, an addition of three examiners to the force is all that is asked; and, in my humble judgment, the Commissioner of Patents will get in a much better form the redress that he asks, by our simply giving him three additional examiners, and letting him, from the whole number of examiners, detail those that are most competent and most able to discharge these revisory duties, which he says he now has to impose upon three of his examiners. If you leave it in that way, leave it to the Commissioner who is there to select from the whole board of examiners three of the most intelligent, the most competent, and the best informed of the whole, and let him make, as he says he now makes, a board of supervision of them; he will get all that he asks very much better than he will in the manner they are now proposed to be appointed. I suppose they are to be appointed by the Secretary of the Interior, and this section provides for three men, whose sole duty it shall be to constitute this revisory board, and nobody else. This simply interposes between the examiners and the Commissioner three other examiners, and in that way you multiply the machinery without getting any better mode, or any more talent, or any higher grade, or any more information. In fact, you will not have so much.

Now, the Senator says, with a happy innocence of the true state of the case, that these examiners will be scientific men, legal men, men that are well qualified. Does not the Senator know, and does not everybody who knows anything about the Patent Office know, that it is just as much a piece of party machinery as the Supreme Court is, or any other department of the Government? Does he not know that the Commissioner of Patents is a political officer, and appointed for his political standing? Why, Mr. President, there is an examiner in the Patent Office now, who has been there ten years, and I do not know but more, and I suppose he is there now—he was a little while ago—whose sole merit that got him there and kept him there was a scurrilous article that he wrote about me in the New Hampshire Patriot. To pay him for it he has been transferred to the Patent Office, and has been there a dozen years. That is generally the way these examiners and other officers are appointed. It is idle to shut our eyes to the fact.

Now, sir, knowing that this is the way these officers are appointed, I ask you if you are willing to confine the inventors of the country to such a tribunal, and cut them off entirely from the courts and from any approach to the judicial tribunals for the protection of the vast rights which are litigated before this Commissioner in regard to the

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granting of patents and to the renewal or extension of patents? Why not leave them the same judicial remedy which all other parties have who are litigants, and which they have had from the beginning of the Government up to the present time? Where is the necessity of taking this radical step at this time, and taking it—so far as I understand or know anything about it—against the express wishes of the inventors, of the men by whose brain and by whose money this establishment is built up and continued? Why subject them to a final action before this tribunal thus constituted, and not let them go to the courts as they have been allowed to do from the beginning? So far as I have any information about it, that is the feeling of the inventors. They desire that they may, in the last resort, have an appeal to the courts, as they have had ever since the Patent Office was started; and that this rash and radical innovation shall not be forced upon them against their interests and against their wishes, and without any great evil being suggested by anybody from the present operation of the case.

This was one of the reasons why I did not want this bill brought up this afternoon. If I can have an opportunity of consulting with two or three of the inventors that I know are in this city, and their representatives, I shall be content. I have no disposition to stand here and make this opposition; but as it is, I think this is a blow aimed at them which will be deleterious to their interests, contrary to their wishes, and subversive of their rights. I hope the section will be struck out.

Mr. TRUMBULL. The object of this section is to facilitate and improve the manner of obtaining patents. It is intended for the benefit of inventors, and I am not aware that it is objected to by them. This bill has been under consideration a long time by the Committee on Patents. It is proposed now to cut off the appeal from the Commissioner to the judges of the circuit court of the District of Columbia. This appeal has not existed, I think, as the Senator from New Hampshire supposes, from the beginning of the Government. There used to be a board, composed of the Secretary of State and some other officers, that had a revisory power over the Commissioner.

Mr. HALE. The chief justice was one of them.

Mr. TRUMBULL. And now it is proposed to create an inferior tribunal. You have in the first place the primary examiners. They decide on the application for a patent; and the application may be renewed before them—two trials. Then there is an appeal from these primary examiners to the examiners-in-chief, three of them to be appointed for the purpose, and they answer to the present Commissioner. They will relieve the Commissioner of a great portion of the duties which have been devolved upon him by the present arrangement. If the applicant is not satisfied with the decision of the three examiners, he then appeals to the Commissioner, and that is final so far as the obtaining a patent is concerned; but the parties may litigate about their rights just as they do now in the courts. This bill will not prevent that, and does not interfere with any question which may arise between parties claiming to be the first inventors, or any question of that kind. It merely applies to the issuing of the patent by the office.

Now, the very objection which inventors make is, that there is too much machinery. Their patents are rendered worthless because of the litigation they are subjected to in regard to them; and in every application for an extension of a patent filed here, that I remember since I have been a member of Congress and have been upon this committee, I do not recollect a single instance where the applicant has not based his application upon the ground that he has been unable to make the invention remunerative because of the litigation to which he has been subjected. That is one of the troubles. I think there is quite machinery enough about it as the bill is. There must be an end to litigation somewhere; and it does seem to me that these primary examiners first deciding, then the examiners-in-chief, and then the Commissioner, give an applicant as many chances as the public good requires he should have. I think it is right to cut off the appeal to the courts. You are appealing from three bodies of men—the primary examiners, the examiners-in-chief, and the Commissioner—to a court which cannot be expected to understand these matters as well as persons whose whole time and attention are devoted to them. I do not profess to be very familiar with the machinery of the Patent Office; but the Commissioners recommended, three or four of them in succession, substantially, a provision similar to this second section. I assented to this in the committee, and think it would be better to adhere to it as it is.

The PRESIDING OFFICER. The question is on striking out the second section.

Mr. COLLAMER. Does the motion reach to anything more than the last provision? The section provides for a board of examiners to relieve the Commissioner; and I understood the motion was simply to strike out the last clause, which prevents an appeal from the Commissioner to the court.

The PRESIDING OFFICER. The motion before the Senate is to strike out the whole section.

Mr. HALE. Well, sir, I will take it on the last clause.

The PRESIDING OFFICER. Will the Senator be good enough to specify the section?

Mr. HALE. The Clerk knows.

The Secretary read it, as follows:

No appeal shall hereafter be allowed from the decision of the Commissioner of Patents, except in cases pending prior to the passage of this act.

The question being put on the motion to strike out, there were—ayes 8, noes 11; no quorum voting.

Mr. HALE. It is about time to adjourn. I move that the Senate adjourn.

Mr. BIGLER. I call for the yeas and nays on the amendment.

The PRESIDING OFFICER. A motion is made to adjourn, which supersedes that.

Mr. BIGLER. I call for the yeas and nays on the motion to adjourn, to see whether there is a quorum present.

The yeas and nays were ordered; and, being taken, resulted—yeas 21, nays 14; as follows:

YEAS—Messrs. Bingham, Clark, Collamer, Crittenden, Dixon, Durkee, Fessenden, Foot, Foster, Grimes, Hale, Hamlin, King, Latham, Seward, Simmons, Sumner, Ten Eyck, Thomson, Wade, and Wilkinson—21.

NAYS—Messrs. Benjamin, Bigler, Bragg, Bright, Clay, Gwin, Harlan, Hemphill, Iverson, Johnson of Arkansas, Nicholson, Polk, Powell, and Trumbull—14.

So the motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *April* 16, 1860.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. THOMAS H. STOCKTON.

The Journal of Friday was read and approved.

ENROLLED BILL.

Mr. DAVIDSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title, namely: An act (H. R. No. 213) to incorporate the United States Agricultural Society; when the Speaker signed the same.

JACOB WEED.

Mr. ELY. I ask the unanimous consent of the House to take up and recommit to the Committee of Claims the papers in the case of Jacob Weed.

Mr. WASHBURN, of Maine. I object.

INDIAN HOSTILITIES IN NEW MEXICO.

The SPEAKER laid before the House a message from the President of the United States, transmitting, in compliance with a resolution of the House, the report of the Secretary of War, and its accompaniments, communicating information respecting Indian hostilities in New Mexico; which was referred to the Committee on Military Affairs, and ordered to be printed.

NAVY CONTRACTS.

The SPEAKER also laid before the House a communication from the Navy Department, transmitting, in compliance with law, an abstract of offers for furnishing naval supplies, coming under the cognizance of the bureau of yards and docks, for the year ending June 30, 1860; and also a list of the contracts made by that bureau; which was laid upon the table, and ordered to be printed.

EMPLOYÉS OF THE HOUSE.

The SPEAKER also laid before the House a communication from the Doorkeeper of the House, furnishing a list of the employés under him, in answer to a resolution adopted on motion of Mr. BURNETT.

Mr. BURNETT. There have been responses returned to this House by the Clerk, Postmaster, and Doorkeeper, to a resolution which I offered in this House, and which was adopted by it. I would move their reference——

Mr. WASHBURN, of Maine. I inquire whether this debate is in order.

Mr. BURNETT. I shall submit a motion. I prefer the reference of this report——

Mr. WASHBURN, of Maine. I object to anything of this kind until after the expiration of the morning hour.

Mr. BURNETT. I am in order, and the gentleman from Maine is not in order; for he certainly knows that no gentleman has a right to make an objection sitting in his seat.

Mr. TOMPKINS. Then I object.

Mr. BURNETT. Well, your objection is of no avail. I was remarking that I would prefer the reference of these responses to a special committee of this House. My reason is one which I have urged upon this House repeatedly.

Mr. WASHBURN, of Maine. I call for the reading of the rule which declares that one hour after the reading of the Journal shall be devoted to a particular purpose.

The SPEAKER. I understood that unanimous consent was given to make this report to the House.

Mr. WASHBURN, of Maine. I object to everything which interferes with the rule.

Mr. TOMPKINS. And as exception was taken to that objection, on account of the gentleman from Maine not rising in his seat, I rose and objected.

Mr. BURNETT. Gentlemen will save time by allowing me to proceed, for I do not wish to detain the House unnecessarily.

Mr. WASHBURN, of Maine. I have no special objection to the gentleman from Kentucky proceeding, but I object because I see clearly that unless we begin by adhering strictly to the new rules, they will be utterly worthless in their application. Somebody must make this objection. I do not desire to do it; I do not like to do it; but somebody must do it.

The SPEAKER. As this report was allowed to be presented to the House by unanimous consent, a disposition must be made of it.

Mr. BURNETT. This is a subject which the House has repeatedly had before it, since my service here commenced. If gentlemen would take the trouble and pains to examine the disbursement of the contingent fund of this House, and in connection with that the number of employés we have in and around this Capitol, they would find good reason for a reform of abuses. There are no greater abuses connected with the administration of the public affairs of the Federal Government than are to be found in and around this Capitol in connection with the employés and the disbursement of the contingent fund of the House. We have three times as many employés here as the public service demands, who are mere pensioners upon the public bounty. I charge the blame for this state of things upon no particular party; but the fact exists that we have had these supernumeraries here for years, and their number is gradually increasing, and their salaries also. If gentlemen would investigate this matter it would, to say the least, give them employment in the correction of some of the abuses connected with public affairs in and around this House. We have heard much said in this Hall in reference to corruption, extravagance, and abuses; and yet when you point to the place where you ought to apply measures of reform, it is very hard to get gentlemen to coöperate with reference to it.

By a resolution of this House passed during the last Congress, we not only reduced the number of these employés, but we reduced their salaries; and we found numbers of men willing to take their positions, and to discharge the duties attached thereto, at the rates of compensation fixed by that resolution. Yet, no sooner did this Congress meet than the horde of hungry office-seekers who prowl around this Capitol, came here, and by a cordial and hearty coöperation in personal appeals to members, they succeeded in obtaining a majority of the House to repeal the

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THE CONGRESSIONAL GLOBE:

CONTAINING

THE DEBATES AND PROCEEDINGS

OF THE

FIRST SESSION OF THE THIRTY-SIXTH CONGRESS:

ALSO, OF THE

SPECIAL SESSION OF THE SENATE.

BY JOHN C. RIVES.

CITY OF WASHINGTON:
PRINTED AT THE OFFICE OF JOHN C. RIVES.
1860.

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from the further consideration of House bill No. 587, for the relief of Anthon L. C. Portman.

Mr. CRAIGE, of North Carolina. I object.

Mr. REAGAN. I ask leave to take up House bill No. 357.

Mr. BURNETT. I move that the House adjourn.

The motion was agreed to; and thereupon (at four o'clock, p. m.) the House adjourned.

IN SENATE.

SATURDAY, *May* 26, 1860.

Prayer by Rev. ROBERT L. DABNEY, of the Virginia Theological Seminary.

The Secretary proceeded to read the Journal of yesterday.

Mr. HALE. I move to dispense with the reading of the Journal, so far as the yeas and nays taken yesterday on the various resolutions and amendments are concerned. Nobody wants to hear them. There are very few here. Reading them takes time.

The VICE PRESIDENT. By unanimous consent, the reading of the yeas and nays on the Journal will be dispensed with. The Chair hears no objection.

The Journal was approved.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate a report of the Secretary of the Treasury, communicating, in compliance with a resolution of the Senate, a report of the Light-House Board, relative to the claim of Don Anastasio Cavillo; which, on motion of Mr. LATHAM, was referred to the Committee on Public Lands.

He also laid before the Senate a report of the Postmaster General, communicating, in compliance with a resolution of the Senate, further information in relation to the contracts with Daniel A. Johnson and Cornelius Vanderbilt, for temporary mail service between New York and San Francisco, and New Orleans and San Francisco, via the Isthmus.

Mr. YULEE. This communication is in addition to a document which has been already printed; and I move that it lie on the table, and be printed.

The VICE PRESIDENT. The motion to print will go to the Committee on Printing.

Mr. YULEE. I ask unanimous consent of the Senate to waive the rule requiring a reference in this case, as the main document, to which this is an addition, has already been ordered to be printed.

The VICE PRESIDENT. The Chair hears no objection, and the order will be made.

NEW YORK POST OFFICE.

The VICE PRESIDENT also laid before the Senate the following communication from the Postmaster General:

POST OFFICE DEPARTMENT, *May* 24, 1860.

SIR: On the 16th instant the Senate adopted the following resolution:

"*Resolved*, That the Postmaster General be instructed to inform the Senate when the Post Office Department first had any knowledge that any defalcation existed on the part of the postmaster of the city of New York; and also to inform the Senate if the Sixth Auditor of the Treasury has faithfully performed, in reference to the post office in the city of New York, the duties imposed on him by the act of March 3, 1851, and especially by the one hundred and ninety-seventh section of said act."

In reply to which, I have the honor to state, that I was for the first time informed of the defalcation of Isaac V. Fowler, late postmaster at New York, on the morning of the 10th May, 1860, on which day he was, by the President, removed from office. I have no reason to believe that any knowledge of this defalcation existed in this Department before the day mentioned.

In the month of April, during my absence in the South, a telegraphic dispatch appeared alleging that there was a deficit in the accounts of the postmaster at New York, and the First Assistant and then acting Postmaster General informs me that, in consequence, his apprehensions were awakened. The postmaster, however, came to Washington, and his accounts were balanced in the Auditor's office up to 31st December, 1859, which quieted the fears that had been excited. The defalcation, since discovered, could not be detected and verified until the accounts for the quarter ending 31st March, 1860, had been audited, which was not completed until 10th May, 1860.

The provision of law referred to as the one hundred and ninety-seventh section of the act of 3d March, 1851, is in fact the eighteenth section of that statute, and was temporary in its operation. The Sixth Auditor appears to have faithfully performed his duty under it, by a report on the 1st March, 1837, which was printed by order of the House of Representatives, and constitutes document No. 185 of second session Twenty-Fourth Congress. A similar report was made on the 22d February, 1845, in obedience to a resolution of the Senate of 23d January, 1845, and the instructions of the Postmaster General.

As the general law does not require reports of this character to be made, none except those named appear to have been submitted to Congress.

Very respectfully, your obedient servant,

J. HOLT, *Postmaster General.*

HON. JOHN C. BRECKINRIDGE,
Vice President of the United States.

Mr. HALE. I ask unanimous consent to have an order made at once for the printing of this communication.

The VICE PRESIDENT. The Chair hears no objection, and the order will be made.

ENROLLED BILL SIGNED.

The VICE PRESIDENT signed the enrolled bill (H. R. No. 239) for the relief of George F. Brott; which yesterday received the signature of the Speaker of the House of Representatives.

PATENT LAWS.

Mr. BIGLER. It will be remembered that some weeks since we had the Patent Office bill under consideration, and there seemed to be no difficulty, except in reference to a single point. That was in reference to so much of the bill as denied the right of appeal from the decisions of the Commissioner. I am, for my own part, and I believe the committee generally are, willing to yield that feature of the bill. I hope, therefore, the Senate will take it up this morning and dispose of it. It is a bill which will occupy only a few minutes. It has been well considered, and recommended by the Commissioner. It does not take a dollar from the Treasury, but simply gives a meritorious class of people the instrumentalities for which they are perfectly willing to pay. I move that the Senate proceed to the consideration of the bill (S. No. 10) in addition to "An act to promote the progress of the useful arts."

Mr. IVERSON. I do not think it altogether fair that a bill of this kind should be taken up in the morning hour, and supersede petitions and reports from committees. This is a bill which has been up, as we all remember, and on the occasion when it was taken up it gave rise to a very animated discussion, and it is not likely that it is going to be passed *sub silentio* now.

Mr. HALE. With the Senator's consent, I desire to say that that matter has been arranged. The debate arose on a motion that I made about the appeal to the judiciary. That has been arranged, and the Senator from Pennsylvania has consented to let it go. That being the case, I do not think there will be the slightest debate in the world.

Mr. IVERSON. Very well, sir; I yield the objection.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 10) in addition to "An act to promote the progress of the useful arts," the pending question being on the motion of Mr. HALE to amend the substitute reported by the committee, by striking out the following clause in the second section:

"No appeal shall hereafter be allowed from the decision of the Commissioner of Patents, except in cases pending prior to the passage of this act."

The motion to strike out was agreed to.

The VICE PRESIDENT. When the bill was last up, the substitute reported by the committee was being read by sections. The Secretary will read the next section.

The Secretary read the third section, as follows:

SEC. 3. *And be it further enacted*, That no appeal shall be allowed to the examiners-in-chief from the decisions of the primary examiners, except in interference cases, until after the application shall have been twice rejected; and the second examination of the application by the primary examiner shall not be had until the applicant, in view of the references given on the first rejection, shall have renewed the oath of invention, as provided for in the seventh section of the act entitled "An act to promote the progress of the useful arts, and to repeal all acts and parts of acts heretofore made for that purpose," approved July 4, 1836.

The VICE PRESIDENT. The Chair is informed that there was an understanding that the vote should be taken on each section of the substitute as it was read. If there be no objection, then he will put the question on this section.

Mr. BIGLER. That course was pursued in accordance with a suggestion of the Senator from New Hampshire. It is an unusual course in the Senate, and I hope he will waive it.

Mr. HALE. I do not care about it.

The VICE PRESIDENT. The Secretary will proceed to read the remaining sections.

Mr. GRIMES. I desire that the chairman of the Committee on Patents and the Patent Office shall explain the section which has just been read. Why is it that it is required that a patent should be rejected twice before there shall be any appeal to the superior determining power?

Mr. BIGLER. I cannot hear what the Senator from Iowa says.

Mr. GRIMES. I understand that section to declare that no appeal shall lie from the subordinate examiner until it has been twice rejected by him.

Mr. BIGLER. That is the old law. There is no change in that respect

Mr. GRIMES. Is it the old law?

Mr. BIGLER. It is solely for the purpose of securing a more full and complete examination, in order that the appeals may not be too frequent.

Mr. GRIMES. But it is attended with additional expense to the applicant. Every one of these applications costs the man who claims a patent an additional amount. Now, why is it the Government requires that a man shall make a second application, and subject himself to an additional amount of expense before he shall be permitted to carry his appeal up to the appellate tribunal?

Mr. BIGLER. Well, Mr. President, I am hardly prepared to say what particular reasons the experience of the department has discovered for this feature of the bill. It is one of those which all Commissioners have recommended, and which I think they have well discovered by experience. Without a knowledge of the details, it is somewhat difficult for me to answer the question.

The VICE PRESIDENT. The Secretary will proceed with the reading of the substitute.

The Secretary read, as follows:

SEC. 4. *And be it further enacted*, That the salary of the Commissioner of Patents, from and after the close of the present fiscal year, shall be $4,500 per annum; and the salary of the chief clerk of the Patent Office shall be $2,500.

SEC. 5. *And be it further enacted*, That the Commissioner of Patents is authorized to restore to the respective applicants, or when not removed by them, to otherwise dispose of such of the models belonging to rejected applications as he shall not think necessary to be preserved. The same authority is also given in relation to all models accompanying applications for designs. He is further authorized to dispense in future with models of designs when the design can be sufficiently represented by a drawing.

SEC. 6. *And be it further enacted*, That the tenth section of the act approved the 3d of March, 1837, authorizing the appointment of agents for the transportation of models and specimens to the Patent Office, is hereby repealed.

SEC. 7. *And be it further enacted*, That the Commissioner is further authorized, from time to time, to appoint, in the manner already provided for by law, such an additional number of principal examiners, first assistant examiners, and second assistant examiners, as may be required to transact the current business of the office with dispatch, provided the whole number of additional examiners shall not exceed four of each class, and that the total annual expenses of the Patent Office shall not exceed the annual receipts.

SEC. 8. *And be it further enacted*, That the Commissioner may require all papers filed in the Patent Office to be correctly, legibly, and clearly written, or printed, at the cost of the parties filing such papers; and for gross misconduct he may refuse to recognize any person as a patent agent, either generally or in any particular case; but the reasons of the Commissioner for such refusal shall be duly recorded, and subject to the approval of the President of the United States.

SEC. 9. *And be it further enacted*, That no money paid as a fee on any application for a patent after the passage of this act shall be withdrawn or refunded, nor shall the fee paid on filing a caveat be considered as part of the sum required to be paid on filing a subsequent application for a patent for the same invention. That the three months' notice given to any caveator, in pursuance of the requirements of the twelfth section of the act of July 4, 1836, shall be computed from the day on which such notice is deposited in the post office at Washington, with the regular time for the transmission of the same added thereto, which time shall be indorsed on the notice; and that so much of the thirteenth section of the act of Congress, approved July 4, 1836, as authorizes the annexing to letters patent of the description and specification of additional improvements, is hereby repealed; and in all cases of additional improvements, a separate patent shall be issued.

SEC. 10. *And be it further enacted*, That all laws now in force, fixing the rates of the Patent Office fees to be paid, and discriminating between the inhabitants of the United States and those of other countries, are hereby repealed, and, in their stead, the following rates are established: On filing each caveat, ten dollars; on filing each original application for a patent, except for a design, twenty dollars; on issuing each original patent, ten dollars; on every appeal from the examiners-in-chief to the Commissioner, twenty dollars; on every application for a patent for a design, fifteen dollars; on every application for the reissue of a patent, thirty dollars; on every application for the extension of a patent, fifty dollars; and fifty dollars, in addition,

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on the granting of every extension; on filing each disclaimer, ten dollars; for certified copies of patents, and other papers, twelve cents per hundred words; for recording every assignment, agreement, power of attorney, and other papers, of three hundred words or under, one dollar; for recording every assignment, and other paper, over three hundred and under one thousand words, two dollars; for recording every assignment, or other writing, if over one thousand words, three dollars; for copies of drawings, the reasonable cost of making the same.

SEC. 11. *And be it further enacted*, That all applications for patents shall be completed and prepared for examination within two years after the filing of the petition; and in default thereof, they shall be regarded as abandoned by the parties thereto, and all cases now pending shall be treated as original cases; and all applications for the extension of patents shall be filed at least ninety days before the expiration thereof; and notice of the day set for the hearing of the case shall be published, as now required by law, for at least sixty days.

SEC. 12. *And be it further enacted*, That in all cases where an article is made or vended by any person under the protection of letters patent, it shall be the duty of such person to give sufficient notice to the public that said article is so patented, either by stamping thereon the word patented, together with the day and year the patent was granted; or when, from the character of the article patented, that may be impracticable by enveloping one or more of the said articles, and affixing a label to the package, or otherwise attaching thereto a label on which the notice, with the date, is printed; on failure of which, in any suit for the infringement of letters patent by the party failing so to label or stamp the article the right to which is infringed upon, no damage shall be recovered by the plaintiff, except on proof that the defendant was duly notified of the infringement, and continued after such notice to make or vend the article patented. And the sixth section of the act entitled "An act in addition to an act to promote the progress of the useful arts," &c., approved the 29th of August, 1842, be, and the same is hereby, repealed.

SEC. 13. *And be it further enacted*, That all acts and parts of acts heretofore passed which are inconsistent with the provisions of this act be, and the same are hereby, repealed.

The VICE PRESIDENT. When the bill was last before the Senate, the Senator from Maine [Mr. HAMLIN] submitted an amendment to the tenth section of the substitute, to insert in line four, after the word "countries," the words, "which shall not discriminate against the inhabitants of the United States;" so that the clause shall read:

That all laws now in force fixing the rate of Patent Office fees to be paid, and discriminating between the inhabitants of the United States and those of other countries which shall not discriminate against the inhabitants of the United States, are hereby repealed.

The amendment was agreed to.

Mr. GRIMES. I move to strike out the third section. This is the section which requires that before an appeal shall be allowed to the examiners-in-chief, the application shall be twice rejected by the subordinate examiners. I do not see any necessity for imposing that increased expense upon the applicants.

Mr. HALE. Since the Senator from Iowa made that suggestion before, I have looked over the fee table, and I do not see that it is obnoxious to the objection he made. I do not see any fee charged for that reëxamination; and if the intention of the statute is simply to require a reëxamination by the first board, without an additional fee, it seems to me well enough to let it stand.

Mr. GRIMES. It comes up as an original application, and he has to be subjected to precisely the same expense in the second instance as he was subjected to in the first instance. Now, why is it that you will subject him to this additional expense—to the employment a second time of agents to prosecute his application before the Patent Office? I desire to say, that as I understand this bill as it has been read here, and as I have examined it, this second application comes up precisely as an original application, and the party that makes it is subjected to the same amount of expense in the second instance that he was in the first. There is that amount of money to go out of his pocket and to go into the Treasury of the Patent Office bureau. Then, in addition to that, he must necessarily be subjected to all the expense of the agent or lawyer that may be employed. This lawyer or patent agent will charge him in the second instance precisely as much as he would in the first. I presume that nineteen twentieths of all applications that will be made will be rejected in the first instance, some of them in consequence of collusion between some of the officers and the patent agents. At any rate, the bill as it is now proposed to be enacted into law, will give color to imputations of that kind if it is not amended as I propose.

Then it must be known to gentlemen who are familiar with the Patent Office, that these subordinate examiners are not the most profoundly scientific men in the world, and good cases may be rejected by them; and we ought not to subject the applicants for patents, who are generally poor, but worthy men, to the loss of time and the additional expense they must incur in making a second application, in order to get their case carried up from some *ignoramus* who may be placed there as a subordinate examiner from political considerations solely, before gentlemen who have some knowledge of science and the arts.

Mr. BIGLER. It may be, sir, that the view taken of this section by the Senator from Iowa is, to some extent, reasonably founded; but the officers of this Government, in their long experience, have satisfied themselves that this measure is necessary to the proper performance of its operation. So far as the additional expense is concerned, I have never heard an objection raised to it by any inventor. No objection has been made to it from any quarter; and as I stated it, I placed this bill mainly on the fact that it had been year after year, for I believe six years, presented here by the department and urged as a measure essential to its operations. I confess, sir, that without practical knowledge of the details, it is virtually impossible to foretell how this clause might be abused, or how necessary it may be to the operations of the department. I prefer very much to rest my support of it upon the opinion of three or four Commissioners, with the most experienced men in the various details there, all of whom concur in this bill throughout. I am not willing to see the section stricken out, for I have no doubt its operations are well understood in the Department, and will be advantageous.

Mr. SIMMONS. I beg to make one suggestion to the chairman of the Committee on Patents. As I understood in committee, the probability is that an appeal will be allowed from these high commissioners, as they are called; and I understand there is to be an amendment to that effect. If that appeal be allowed it may obviate any difficulty that might otherwise result from striking out the third section, because the third section provides for two examinations before the primary examiners, with an appeal to the higher examiners. One trial before the primary examiners, and a trial before the examiners-in-chief, with an appeal to the courts, seem to me to be trials enough to subject anybody to.

Mr. HALE. And there is another before the Commissioner besides.

Mr. SIMMONS. So there are four chances.

Mr. GRIMES. Five.

Mr. SIMMONS. As the bill stands, it is five, but with this section stricken out it will be four. If a man cannot spend money enough in four such trials, I think we had better not subject him to a fifth. I think there is no necessity for a second trial before the primary examiners with the other provisions of the bill, as I understand they are to be.

Mr. JOHNSON, of Arkansas. There are but thirteen or fourteen minutes left in which to transact the morning business, and I am certain there are a great many reports to be made, and other morning business to be transacted. This bill, we were told, was to produce no debate at all, but I think it is not prosecuted in good faith, and I move its postponement. ["Let us vote."]

Mr. HALE. We will take the vote, and have no more talk.

Mr. JOHNSON, of Arkansas. I withdraw the motion if there will be no more talk; but otherwise I must insist on it.

Mr. BIGLER. Let us vote.

The VICE PRESIDENT. The question is on the motion to strike out the third section of the bill.

The question being put, on a division there were—ayes 16, noes 15; no quorum voting.

Mr. BIGLER, and Mr. JOHNSON of Arkansas, called for the yeas and nays.

The VICE PRESIDENT. By unanimous consent, the Secretary will call the roll upon the motion.

Mr. MALLORY. I think if we divide again, the Chair will find a quorum. There is a quorum, but all the Senators did not vote.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. MALLORY. I suggest that, by unanimous consent, we take another division. There is a quorum present.

Mr. JOHNSON, of Arkansas. I object.

The question being taken by yeas and nays, resulted—yeas 21, nays 22; as follows:

YEAS—Messrs. Anthony, Chandler, Clark, Crittenden, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Hamlin, Harlan, Johnson of Arkansas, Johnson of Tennessee, King, Lane, Pearce, Simmons, Ten Eyck, and Wilson—21.

NAYS—Messrs. Bigler, Bragg, Bright, Brown, Chesnut, Clingman, Davis, Fitzpatrick, Green, Gwin, Hemphill, Iverson, Latham, Mallory, Powell, Rice, Sebastian, Slidell, Thomson, Toombs, Wigfall, and Yulee—22.

So the motion was not agreed to.

Mr. HALE. There is one amendment that I desire to propose; and I wish to have the ear of the Senate for about a minute, while I state it. The second section of this bill proposes to provide for the appointment of a board of three examiners-in-chief, at an annual salary of $3,000, and assigns very important duties to them. By the bill, they are to be appointed by the Commissioner. They are to stand between the Commissioner and the other examiners, and are an independent board, and I think ought to be appointed by the President, by and with the advice and consent of the Senate. Such an amendment was intended to be moved by the Senator from Vermont, [Mr. COLLAMER,] who, on account of ill health, is obliged to retire. He has a good deal of feeling about it; and I make that motion, to strike out, in section two, lines three, four, and five, the words "in the same manner as now provided by law for the appointment of examiners," and insert: "by the President, by and with the advice and consent of the Senate."

Mr. BIGLER. I see no special objection to the amendment of the Senator from New Hampshire. There are those who have felt that this department was peculiarly independent, belonging to the people, self-reliant, they paying all the expenses themselves, and having no connection with the Treasury, or any other Department here, and that it should be kept as independent within itself as possible. Perhaps that would be the only suggestion that could be made against the amendment. For my part, I do not care how the Senate decide it.

Mr. MALLORY. I trust we shall adopt it.

The amendment was agreed to.

The VICE PRESIDENT. The Chair understands that these amendments have been made to an amendment reported by the Committee on Patents and the Patent Office; and the question now is on the amendment of the committee, as amended.

The amendment, as amended, was agreed to.

Mr. FOSTER. I should like to inquire of the chairman of the committee whether the bill on this same subject, introduced by me some time since and referred to the committee, has had the action of the committee?

Mr. BIGLER. I will state to the Senator from Connecticut that the bill which he introduced and referred to the Committee on Patents and the Patent Office was referred by myself to the Patent Office department. It received a full consideration, as he is aware. It was returned to the Committee on Patents and the Patent Office with marginal notes all through, presenting points of very conclusive objection, which I think would be entirely satisfactory to the Senator from Connecticut himself. Taking the bill aside from the objections presented by the department, it would be almost identically the bill which we have under consideration. We had that measure before the committee at a meeting yesterday morning, but there were only three present, and we took no final action upon the subject, except to mutually conclude that it would be better to pass the bill now before us.

Mr. FOSTER. The particular preference I had for that bill introduced by myself, was that it compressed in a single act, most, indeed all the acts now in force on the subject of patents and the patent laws, thus bringing what is now scattered through many acts into one. Unless, therefore, there were material objections to the bill, I hope the committee will give it favorable consideration, because it would be manifestly greatly for the advantage of applicants that all our law on this subject should be brought together in one act, simplifying thus, of course, the statutes upon the subject. If, however, there are objections to the bill in the judgment of the committee, I am not disposed, of course, to press my judgment against theirs.

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The bill was reported to the Senate, as amended.

The VICE PRESIDENT. Shall the amendment, as amended, be read at length?

Mr. BIGLER. It is not necessary. I suppose the reading of the amendment can be dispensed with.

The VICE PRESIDENT. By unanimous consent the reading will be dispensed with.

The amendment was concurred in.

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

ORDER OF BUSINESS.

Mr. BROWN. Mr. President——

The VICE PRESIDENT. The Senator from Mississippi will pause a moment. The Chair calls up the special order for this hour. The order assigned for this hour was the bill to enlarge the public grounds surrounding the Capitol, but the Indian appropriation bill, being the unfinished business of yesterday, takes precedence of it.

Mr. BROWN. I merely desire to present a petition.

Mr. HAMLIN. I hope the Senator will allow me to offer a resolution.

Mr. BROWN. I merely desire to present a petition myself.

The VICE PRESIDENT. If there be no objection, the Senator from Mississippi may introduce a petition.

Mr. JOHNSON, of Arkansas. I have a parcel of reports that I wish to present.

The VICE PRESIDENT. The business before the Senate is the unfinished business of yesterday, and it requires unanimous consent to do anything else. The morning hour was given up for other business.

Mr. HUNTER. I insist that the unfinished business shall be taken up.

The VICE PRESIDENT. The Senator from Mississippi asks leave to introduce a petition.

Mr. HUNTER. I cannot agree to it.

Mr. BRIGHT. I move to postpone the unfinished business of yesterday, with a view of taking up the bill to enlarge the public grounds surrounding the Capitol. There is a necessity for passing the bill at once, if we intend passing it this session. It was made a special order about a week since, with the understanding that to-day was to be appropriated to the consideration of the bill. Now my friend from Virginia interposed his Indian appropriation bill yesterday in my absence, which I very much regret. I hope he will consent to let it rest until we pass the bill I mention. I think it will take but a short time to dispose of it.

Mr. HUNTER. I hope the Senate will not consent to that. The next week is crowded with special orders. There is one for Monday, and another on Tuesday, and I do not know when we shall get up the appropriation bill if we do not take it up to-day. I hope the Senate will not consent to postpone it.

Mr. CRITTENDEN. I want to say one word on this subject. I shall vote to postpone everything, at all times, to take up the appropriation bills, and act upon them; and as soon as they are disposed of, I will vote then, day by day, for the final adjournment of Congress. That is my plan of operation for the balance of the session; and I will at all times vote with the chairman of the Committee on Finance to take up his bills, and give them a preference over everything.

Mr. BRIGHT. There is no danger and no difficulty about the appropriation bills. They will be passed as usual. There is a necessity for passing this bill now, if we intend passing it at all; and I shall regard this as a test vote as to whether it is the sense of the Senate to enlarge the public grounds during the present session of Congress. With that view I ask for the yeas and nays upon the motion I make.

The yeas and nays were ordered.

Mr. DOOLITTLE. I suggest to the Senator from Indiana, instead of moving a postponement generally, to change his motion and postpone it half an hour or one hour. The bill can be disposed of in that time.

Mr. FESSENDEN. I hope not. I agree in opinion with the chairman of the Committee on Finance, and the Senator from Kentucky, that it is better to take up the appropriation bills and finish them. If they lie along in this way we shall never get through with them, and never dispose of anything else. The bill to which the Senator from Indiana refers can wait just as well as a great many other questions that are before the Senate.

The question being taken by yeas and nays, resulted—yeas 10, nays 30; as follows:

YEAS—Messrs. Bright, Brown, Davis, Doolittle, Foot, Kennedy, Rice, Simmons, Thomson, and Yulee—10.

NAYS—Messrs. Anthony, Bragg, Chandler, Clark, Clingman, Crittenden, Dixon, Fessenden, Fitzpatrick, Foster, Green, Grimes, Gwin, Hale, Hamlin, Harlan, Hemphill, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Latham, Nicholson, Pearce, Powell, Sebastian, Slidell, Toombs, Wade, and Wilson—30.

So the motion was not agreed to.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 215) making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1861, the pending question being on the amendment of Mr. LATHAM, to insert, after line nine hundred and twenty-five, the following:

Provided, That in the event the State of California will, by an act of its Legislature, agree to take charge of and maintain within the State the Indians now within her jurisdiction, to the satisfaction of the President, and relieve the United States from all liability or responsibility connected with the same for the period of twenty years, the sum of $50,000 is hereby appropriated annually; and the Secretary of the Interior is authorized to draw on the United States Treasury in favor of the State treasurer of California for that sum, and to authorize the agents of the State of California to take possession of the reservations and Government property thereon: *Provided*, The property of the United States is to be held only in trust by the State of California for the use of the Indians: *Provided also*, The President reserves the right to take control of said Indians, and terminate the above appropriations, if the State of California does not take care of and maintain said Indians, or the Governor of California does not annually report to the Secretary of the Interior all matters relating to their condition.

Mr. LATHAM. I ask leave to substitute this proposition for the amendment I offered before. It is merely changing the wording. It is the same in substance.

The VICE PRESIDENT. The Senator from California can withdraw the other amendment and offer the one he now presents.

Mr. LATHAM. Yes, sir, I will withdraw that, and offer this amendment: to insert, after line nine hundred twenty-five on page 38, the following:

Provided, That in the event the State of California will, by an act of its Legislature, agree to take charge of and maintain within the State the Indians now within her jurisdiction, to the satisfaction of the President, and relieve the United States from all liability or responsibility connected with the same for the period of twenty years, the sum of $50,000 is hereby appropriated annually; and the Secretary of the Interior is authorized to draw on the United States Treasury in favor of the State treasurer of California for that sum, and to authorize the agents of the State of California to take possession of the reservations and Government property thereon: *Provided*, The property of the United States is to be held only in trust by the State of California for the use of the Indians: *Provided also*, The President reserves the right to take control of said Indians and Government property, and terminate the above appropriations, if the State of California does not take care of and maintain said Indians, or the Governor of California does not annually report to the Secretary of the Interior all matters relating to their condition.

Mr. HUNTER. Mr. President, I should be very glad to adopt the policy of remitting the Indians, who have for the most part lost their tribal character, to the State of California. Indeed, if she insists on it, I believe it is her right; but I am unwilling to make the transfer in such a form that she is to expend appropriations made by the United States. As that amendment stands, we are to appropriate $50,000 a year to be used by the State of California. She, in other words, is to be the agent of the Federal Government. Now, sir, I do not believe in that sort of agency. I believe that she is entitled to the custody and charge of the Indians. Indeed, I think there are grave doubts in regard to the constitutionality of the original scheme by which we undertook to assume jurisdiction over Indians who had lost their tribal character; but having done so, if we are to pay the cost, then it ought to be expended through our agents. I would be very glad to remit them to California, and to give up to them all the reservations. Whatever property the United States has in them, I would be very glad to cede to the State of California, upon condition that she would take the Indians; but if we are to pay for their support, I think we ought to have a supervisory power over it. I cannot, therefore, agree to the amendment in that shape. If the Senator will strike out that part which requires us to pay $50,000 a year, I will vote for the amendment with pleasure.

Mr. LATHAM. Mr. President, I cannot consent to that. As long as the Government is willing, as it has been, to provide for the support of these Indians, of course I am unwilling that California shall take their charge at her own cost. My object in this matter, as I stated when I introduced my amendment originally, was simply to devise some means by which those Indians could be taken care of more economically. When my colleague and myself ask for appropriations to carry out the policy and objects of the Government in the management of the Indians, we do not get them, and we are continually met with the statement that we are too extravagant in our demands upon the public Treasury.

The Senator from Virginia has very correctly stated the difficulty connected with this subject; and that is, that California is so remote from the capital of our Government that you cannot control the Indians there without going to a greater outlay than Congress will submit to. You have your agents there, as I stated upon a former occasion to the Senate, who are responsible alone to authority *here*. Their reports have to come here, taking nearly a month; and after they get here, they lay in the Department for two, three, and four months unacted upon. In the mean time, if there are any extravagances going on, there is no power to cut them off. Why, sir, I called the other day, by a resolution, for a report made by the superintendent of Indian affairs and the special agent of the Government in California, in reference to its reservations in that State, which has been lying in the Department for nearly six months unacted upon; and that report, if Senators would read it, will show a most deplorable state of affairs, so far as the reservations and the management of the Indians in California are concerned. Now, sir, if the State of California had charge of these Indians, what would be done? The Legislature would have appointed committees to go to the reservations and see that the Indians were provided for; that their wants were attended to, and that they were gathered together. If there was any inefficiency on the part of the officers, the Governor of the State would remove them.

The Senator from Iowa [Mr. GRIMES] suggested, the other day, that this was a new policy; that it was "farming out" the Indians. Sir, you are farming them out to-day. The only difference is, that you are farming them out to private individuals at twice as much cost as if you were to farm them out to the State of California, who would take care of them, while the report on your table shows that you farm them out to private individuals who do not take care of them. They get their monthly stipend; and then their duty, in a great degree, is discharged.

I do not propose to dwell upon this matter. It is an important if not a vital project to California. I am probably unauthorized in saying that the State of California will accept of this proposition. I believe she would do so, because the people throughout the State, who are annoyed and troubled so much by these Indians, would instruct their representatives in the Legislature to accept the proposition and devise some means by which the State itself could be relieved from the disgrace of what are called "massacres," and also that they might be relieved from the presence of these Indians, by gathering them upon reservations, as they should be. This is not a new project, for it has been discussed in California, and, as I said before, the Indians of California occupy a different relation to the Government from those of any other State in the Union. They have no lands there; you make no treaties with them; it is a mere matter of humanity for the Government to take care of them as its wards.

If I fail in this, then I have another amendment which I intend to offer, from the Committee on Indian Affairs, that was suggested by the report of the Department of the Interior, and which may probably be more acceptable to the Senate.

Mr. CRITTENDEN. The management of the Indians, and our tutelage over them, is a subject which, I think, ought to have attracted much more of the attention of the Congress of the United States than it has done. There is a great office of

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CONTAINING

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OF THE

SECOND SESSION OF THE THIRTY-SIXTH CONGRESS:

ALSO, OF THE

SPECIAL SESSION OF THE SENATE.

BY JOHN C. RIVES.

CITY OF WASHINGTON:
PRINTED AT THE CONGRESSIONAL GLOBE OFFICE.
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God! pass me one step beyond what I conceive to be my bounden duty. Party or no party, platform or no platform, I will act under the obligations of my oath, to do all in my power to heal the breach that now exists between the North and the South, for the sake of the loyal Union men who so bravely stand by the old flag of my country, even where that loyalty is pronounced treason by the mad revolutionists in their midst.

But, I find that I was about to enter on the discussion of the great question. On that my mind is irrevocably made up. I have my verdict in my heart, and am ready to render it whenever called upon to vote. I will tell you, Mr. Speaker, what this controversy reminds me of. It puts me in mind of a story related in one of Bulwer's novels. A worthy couple, named John and Joan, had lived happily together many a long year, till one unlucky day they bought a new bolster; Joan said the bolster was too hard, and John said the bolster was too soft; so of course they quarreled. After sulking all day they agreed to put the bolster between them at night. After they had thus lain apart a little time, very silent and sullen, John sneezed. "God bless you!" said Joan over the bolster. "Did you say, God bless me?" cries John; "then here goes the bolster." [Laughter.] Now, sir, the acquisition of new territory and the negro question are our bolsters, and we have been sulking for some years with these bolsters between us; and when our disagreement begins to threaten the integrity of our great Union, the voice of the Old Dominion is heard shouting in unmistakable earnestness over these bolsters of contention, "God bless the Union!" Sir, I must, as a true man, respond to the noble sentiment of Virginia. I say, away with these bolsters of contention, and let us settle these contemptible causes of quarrel in some way honorable and satisfactory to both.

Now, sir, what are we quarreling about in this matter? What are we talking about? As I understand it, the Republican party are apprehensive that slavery is going into the Territories north of 36° 30'. Or rather, they know that it cannot go there; and a great number of them think that it will not even go south of that line. Then the entire difficulty is whether we can draw this line. It is not for the benefit of anybody, as I understand it; for no one is going to derive any benefit from it. I do not believe that it will either cause slavery to go in or keep it out. I do not believe it would have the effect of putting one slave more south of that line or one slave less. But one thing I do know; I know that the line of 36° 30' is consecrated, ay, canonized, in the hearts of the people of the free States; and although some Republicans may stand up and say that the people would never consent to restoring that line, I do know that the Republican party sprung into existence on the abrogation of it. I know the fact, that we have gone before the people of Pennsylvania, over and over and over again, and said that the Democratic party had repealed the old Missouri compromise line, and that we were determined slavery should never go north of it. I do not believe it ever will go north of it. We have made our word good. I believe that every foot of territory north of 36° 30' is consecrated to freedom, although the line is abrogated. Therefore, to my judgment, it does not make a particle of difference, so far as the real question is concerned, whether you restore the line or leave it alone. For my own part, I shall vote for the propositions reported by the committee of thirty-three, because I think they effect a substantial restoration of the Missouri compromise. Sir, it is cowardly for the Republican party and the great free North to refuse this small boon to our brethren of the South. Fair play, is my motto; and I would scorn to take advantage of the paucity of their numbers, by legislative bar.

Now, it is true there are some dozen slaves in New Mexico. I do not see how we can get them out. I do not see how we can have any control in the matter. I do know that the legislation of 1850 settled that question, and fixed the *status* of that Territory, or left it to the people of the Territory, which amounts to the same thing. When I was a Democrat, I felt bound to stand by the legislation of 1850. I stood by it then, and I stand by it now. It made a settlement of the controversy; and I understand that the propositions of the committee of thirty-three do nothing more than carry that legislation into effect.

Mr. HATTON. The gentleman is speaking of the objects and purposes of the Republican party. I ask him whether he understands that one of their objects is ever to interfere with slavery in the District of Columbia, or in the dock-yards, arsenals, and navy-yards, or with the inter-State slave trade?

Mr. JUNKIN. So far as my knowledge goes in canvassing, not only my own district, but others, and so far as I have heard politics discussed in the free States, I do not believe there ever was an election of any kind in which the question of slavery in the District of Columbia entered as an element in any shape or form. The idea that the people of the great free States should undertake to make a specific issue on the abolition of slavery in the District of Columbia—a little place less than ten miles square, that you could hardly have made a decent shooting match out of when I was a boy in our country—and should make a quarrel with respect to it, is supremely ridiculous. I do not believe that any man elected to Congress in the free States ever discussed that subject at all. They do not think about it. The people do not care about it, and do not want to have anything to do with it. But they have always had in their mind the great question whether they would secure the territory north of 36° 30' for what they call freedom. That is to say, that the freemen of the North do not want to work alongside of slaves. That is all.

When you talk about the hostility of the people of the free States to slavery, you are greatly in error. Go into these districts where the people are supposed to be so intensely hostile to the institution, and you will find that they talk very little about it, and never propose to interfere with it in the States where it exists, or in the District of Columbia, or in the dock-yards, arsenals, and navy-yards, or to interfere with the coasting slave trade, or the inter-State slave trade. I never heard the people talk of such things; and I can safely assert, that such questions are never considered in a political canvass in the North. I never heard these subjects discussed till I came to Congress; and when I came here, I felt very much like the old farmer who went into a court-room for the first time, to see what court was like. They were trying an action of replevin about a cow, and the third day of the trial had been reached, when the old gentleman, becoming impatient that the valuable time of the court should be wasted on such a trivial matter, shouted out at the top of his voice, and pulling out his purse at the same time, "Judge, what is this old cow worth? I'll pay her value, and let the court proceed to something of importance." [Laughter.] So when I came here, and listened day after day to long speeches about slavery in the District of Columbia, I felt like asking what this District could be bought for. [Laughter.] I tell you that these questions are never discussed among the mountains of Pennsylvania. They have some strong ideas there about slavery, but they never expect to be called upon to regulate the affairs of the District of Columbia. This is the only place where such questions are ever heard discussed. The people themselves never talk about them, although I am free to confess, that the people of my district have got some pretty strong notions in their mind about slavery; but they do not arise out of any hostility to you who own slaves. They never dream of interfering between you and your slaves; for I tell you they would hate, in the worst sort of way, to have your negroes emancipated and sent among them; and they would not submit to it. They dislike even the free negroes, and do not in any manner associate with them. I never heard my constituents assert any desire to interfere between masters and their slaves; and I do honestly and verily believe that to-day they stand ready to come to your aid and assistance, in maintaining the institution in the States where it now exists.

Hence it is that I only express the sentiment of my people when I vote for a clause in the Constitution that Congress shall never interfere with slavery in the States; and I assert that when I vote in that way, I but support the Chicago platform. If my Republican brethren believe that their platform is a good thing, I do not see how they can object to taking a portion of that platform and incorporating it in the fundamental law of the land. If it is a good thing in a platform, it will be a good thing in the Constitution. Why not? And I tell you honestly, that any Republican who fails to come up and vote fairly for this proposition reported by the committee of thirty-three, will be, in my judgment, marked as tending towards abolition, and will weaken my confidence in the Republican party. I do not believe there are ten men on this side of the House who will fail to vote for that proposition.

I know it was argued here to-day, by a gentleman who occupied a chair behind me, [Mr. SEDGWICK,] that there may a time come when we may want to take a hand in purchasing the slaves in the border slave States, or in some way get rid of slavery in those States, and therefore he felt disinclined to support the proposition. He seemed to have the impression that it might in some way prevent a State from abolishing slavery within its own limits. Why, sir, if I understand that proposition, it has no reference to the action of any State. It only applies to Congress. If the State of Maryland shall desire to abolish slavery within her own limits, or any other State shall desire it, *they* may do it, but Congress cannot. Now, what earthly objection can there be to that? I admit there is a single objection in my mind. It may tend to create excitement in the North. It may tend to deepen the agitation upon these questions, and in that way do more harm than good; but I think the Legislatures of the States can so deal with the question as to prevent the occurrence of harm from that source.

I again acknowledge my obligations to the gentleman from Ohio for yielding me the floor, and hope that the time I have occupied will not be deducted from his.

Mr. ALLEN then addressed the House on the state of the Union. [His speech will be published in the Appendix.]

And then, on motion of Mr. HATTON, (at ten o'clock, p. m.,) the House adjourned.

IN SENATE.

FRIDAY, *February* 8, 1861.

Prayer by the Chaplain, Rev. Dr. GURLEY.

The Journal of yesterday was read and approved.

A message in writing was received from the President of the United States, by Mr. GLOSSBRENNER, his Secretary.

DEFICIENCY BILL.

Mr. FESSENDEN was, on his motion, excused from service upon the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 866) to supply deficiencies in the appropriations for the service of the fiscal year ending June 30, 1861; and Mr. GWIN was appointed.

EXECUTIVE COMMUNICATIONS.

The VICE PRESIDENT laid before the Senate a report of the Secretary of War, communicating, in obedience to law, a statement of the contingent expenses of the military establishment of the United States for the year 1860; which was ordered to lie on the table.

He also laid before the Senate a report of the Secretary of the Senate, communicating, in obedience to law, a statement of the payments from the contingent fund of the Senate during the year ending December 3, 1860; which, on motion of Mr. BIGLER, was ordered to lie on the table, and be printed.

He also laid before the Senate a report of the acting Secretary of the Interior, communicating, in compliance with a resolution of the Senate of the 28th of May, 1860, transcripts of all accounts paid for the erection of the east and west wings and the north front of the Patent Office building, and for alterations and repairs of the south front of the same; which was ordered to lie on the table; and a motion by Mr. BIGLER to print the report was referred to the Committee on Printing.

CAPTAIN SIMPSON'S REPORT.

The VICE PRESIDENT also laid before the Senate a report of the Secretary of War, communicating, in compliance with a resolution of the Senate of the 30th ultimo, the report of Captain J. H. Simpson, of the topographical engineers, of his explorations across the Great Basin of Utah Territory, for a direct wagon route from Camp Floyd to Genoa, in Carson Valley, in 1859.

Mr. LATHAM. I have a resolution to offer in connection with that report:

Resolved, That the report of the Secretary of War, com-

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of the Puget Sound Agricultural Company under the treaty of 1846 with Great Britain; and

A bill (No. 981) to confirm a certain land claim in the Territory of New Mexico.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker had signed the following bill and joint resolution; which thereupon received the signature of the Vice President:

A bill (H. R. No. 972) authorizing a loan; and

A joint resolution (H. R. No. 71) extending the time for taking testimony on the application of Cyrus H. McCormick for the extension of his patent.

PATENT LAWS.

The message further announced that the House had passed the bill of the Senate (No. 10) in addition to "An act to promote the progress of the useful arts," with amendments, in which the concurrence of the Senate was requested; and on motion of Mr. BIGLER, the bill, with the amendments of the House of Representatives, was referred to the Committee on Patents and the Patent Office.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

A bill (No. 924) granting an invalid pension to John Rogers, of Tennessee—to the Committee on Pensions.

A bill (No. 979) for the relief of Samuel Beaston, master of the schooner George Harris—to the Committee on Commerce.

A bill (No. 980) for the adjustment of the claims of the Puget Sound Agricultural Company, under the treaty of 1846, with Great Britain—to the Committee on Public Lands.

A bill (No. 981) to confirm a certain private land claim in the Territory of New Mexico—to the Committee on Private Land Claims.

Mr. LATHAM I move that the Senate do now adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 8, 1861.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. THOMAS H. STOCKTON.

The Journal of yesterday was read and approved.

EXPENSES OF MILITARY DEPARTMENT.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting, in compliance with law, a statement of the contingent expenses of the War Department for 1860; which was laid upon the table, and ordered to be printed.

PETITIONS, ETC.

Mr. MORRIS, of Pennsylvania. Mr. Speaker, I ask the unanimous consent of the House for leave to present the memorial of two thousand two hundred and eighty-nine citizens of Philadelphia—all of whom, with the exception of two, voted for Mr. Lincoln for President of the United States—in favor of the Crittenden propsitions, or some such proposition as will settle the existing difficulties in the country.

There was no objection; and the memorial was received, and laid upon the table.

Mr. HOLMAN. Mr. Speaker, I ask the unanimous consent of the House, that I may introduce the resolutions of an immense meeting of citizens of Kentucky, Ohio, and Indiana, held at Aurora, in favor of conciliation, and urging the adoption of the Crittenden propositions.

There was no objection; and the resolutions were received and laid upon the table.

They are as follows:

Resolutions adopted at a meeting held by citizens of Kentucky, Indiana, and Ohio, at Aurora, Indiana, on the 2d of February, 1861.

John Gaff, Mayor of the city of Aurora, was called to the chair, and W. H. Nelson and A. Bookwalter were appointed secretaries. Hon. George W. Lane, chairman of the committee on resolutions, reported the following, which were adopted:

Whereas we deplore the bad feeling that now threatens the perpetuity of the Union, and sincerely believe that the only true course to restore harmony in our community is by a fair and honorable spirit of compromise, concession, and conciliation: Therefore,

Resolved, That we consider the peace, the harmony, and perpetuity of our national Government, of more importance than any questions which have hitherto divided the political parties, and that the time has now come when all party feeling should be laid aside to promote the good of our country.

Resolved, That we would indorse with pleasure the resolutions known as the "Crittenden compromise," or the "border-States resolutions," or any fair and honorable plan that will restore the fraternal feelings of our citizens.

Resolved, That we hail with pleasure the large number of Kentuckians we find attending this meeting, and present to them the right hand of fellowship, and unite in the pledge of continued friendship; and let the future terminate as it may, let Kentucky and Indiana remain irrevocably on the most intimate terms.

Resolved, That the secretary be directed to send copies of this meeting to Hon. J. J. CRITTENDEN, of the United States Senate, and Hon. WILLIAM S. HOLMAN, our Representative in Congress.

Mr. KENYON. I ask the unanimous consent of the House for leave to present a petition, numerously signed by citizens of Catskill, New York, praying for the speedy adoption of some proposition for the adjustment of the existing troubles in the country, and especially in favor of the adoption of the border-States proposition. In the long list of names attached to it I recognize those of prominent and leading Republicans of Catskill.

There was no objection; and the petition was received, and laid upon the table.

BALTIMORE AND OHIO RAILROAD.

Mr. BARR. Mr. Speaker, I ask the unanimous consent of the House for leave to introduce the following resolution:

Resolved, That the chairman of the Committee for the District of Columbia be, and he is hereby, directed to notify all parties interested for and against the extension of the Baltimore and Ohio railroad through the public grounds, and that said hearing be had at an early day.

Mr. BURNETT. I object.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. PATTON, one of its clerks, notifying the House that that body had passed House bill No. 545, granting a pension to Gregory Patti, with an amendment; and that it had also passed Senate bill No. 551, for the relief of Hockaday & Ligget, in which he was directed to ask the concurrence of the House; also, that that body insist on their second amendment (disagreed to by the House) to House bill No. 972, authorizing a loan, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PEARCE, Mr. GWIN, and Mr. ANTHONY, the managers at the said conference on the part of the Senate; and also, that that body had appointed Mr. GWIN a member of the committee of conference, on its part, on House bill No. 866, to supply deficiencies in the appropriations for the service of the fiscal year ending June 30, 1861, in the place of Mr. FESSENDEN, excused.

PUGET SOUND AGRICULTURAL COMPANY.

Mr. DAVIS, of Indiana. I ask the unanimous consent of the House for leave to report, from the Committee on Public Lands, a bill for the adjustment of all claims of the Puget Sound Agricultural Company, under the treaty of 1846 with Great Britain.

Mr. PHELPS. I raise no objection, provided the bill be referred to a committee for investigation. It concerns rights under a treaty between the United States and Great Britain.

Mr. DAVIS, of Indiana. I propose to report the bill from the Committee on Public Lands. That committee unanimously instructed me to report it to the House, and ask that it be put on its passage. It is recommended by the Commissioner of the General Land Office, and by the Secretary of the Interior.

Mr. PHELPS. I object.

HOCKADAY & LIGGET.

Mr. BURCH. I ask the unanimous consent of the House that the bill which has just come in from the Senate, for the relief of Hockaday & Ligget, be now put on its passage. The amount appropriated under the bill is $40,000. There is no use in referring it to the Committee on the Post Office and Post Roads, because that committee has considered the case two or three times, and has each time reported in its favor.

Mr. SPAULDING. I object.

LOAN BILL.

Mr. SHERMAN I rise to a privileged question. I submit the following report from the committee of conference on the disagreeing votes between the two Houses on the loan bill.

The Clerk read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 972) "authorizing a loan," having met, after full and free conference have agreed to recommend, and do recommend, to the respective Houses, as follows:

That the House recede from their disagreement to the Senate's second amendment, and agree to the same, with an amendment, as follows: Strike out the whole amendment, and insert, in lieu thereof, the following:

SEC. 5. *And be it further enacted*, That the residue of the loan authorized by the act of 22d of June, 1860, or so much thereof as is necessary, shall be applied to the redemption of the Treasury notes issued under the act of 17th of December, 1860, and for no other purpose; and the Secretary of the Treasury is hereby authorized, at his discretion, to exchange at par bonds of the United States authorized by said act of 22d of June, 1860, for the said Treasury notes or the accruing interest thereon.

SEC. 6. *And be it further enacted*, That, to defray the expense of engraving and printing certificates of such stock, and other expenses incident to the execution of this act, the sum of $20,000 is hereby appropriated: *Provided*, That no compensation shall be allowed for any service performed under this act to any officer whose salary is established by law.

SEC. 7. *And be it further enacted*, That the Secretary of the Treasury shall not be obliged to accept the most favorable bids, as hereinbefore provided, unless he shall consider it advantageous to the United States to do so; but for any portion of such loan not taken under the first advertisement, he may advertise again, at his discretion.

JOHN SHERMAN,
JOHN S. PHELPS,
THADDEUS STEVENS,
Managers on the part of the House of Representatives.
J. A. PEARCE,
WILLIAM M. GWIN,
H. B. ANTHONY,
Managers on the part of the Senate.

Mr. SHERMAN I move that that report be adopted.

The motion was agreed to.

LAKE ST. CROIX.

Mr. ALDRICH, by unanimous consent, presented resolutions of the Legislature of Minnesota, asking for an appropriation of money for the improvement of St. Croix river and the head of Lake St. Croix to Taylor's Falls; which were referred to the Committee on Commerce.

EUGENE FREAN.

Mr. WALTON moved that the Committee of Claims be discharged from the further consideration of the petition of Eugene Frean, on behalf of William Frean, praying indemnity for the loss of the schooner Isaac McKim, and that it be referred to the Committee on Foreign Affairs.

The motion was agreed to.

THEODORE ADAMS.

Mr. WALTON, from the Committee of Claims, reported back Court of Claims bill No. 102, for the relief of Theodore Adams; which was referred to a Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH C. WILLETT.

Mr. TAPPAN moved that the Committee of Claims be discharged from the further consideration of the petition of Elizabeth C. Willett, and that it be referred to the Committee on Military Affairs.

The question was taken; and the motion was agreed to.

JOHN VEITCH.

Mr. TAPPAN, from the Committee of Claims, reported a bill for the relief of John Veitch; which was read a first and second time by its title, referred to a Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HODGES AND LANSDALE.

Mr. TAPPAN, from the same committee, also reported a bill for the relief of Hodges and Lansdale, the administrators of William Kilgore, deceased, and administrators of Rinaldo Johnson and Ann E. Johnson, deceased; which was read a first and second time by its title, referred to a Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL BEASTON.

Mr. MOORHEAD, from the Committee on Commerce, reported a bill for the relief of Samuel Beaston, master of the schooner George Harris; which was read a first and second time.

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that the Egyptian pyramid was constructed by a courtesan of celebrity out of the wages of prostitution.

Mr. SICKLES. I shall not engage in a discussion with the gentleman from Virginia as to the resources of ancient Egypt. I presume there are no reports now accessible, as to its finances; and in what he now says, I think he is merely repeating here one of the fictions of Herodotus, and undertaking to give it the dignity of a fact by an assertion on this floor. It is like many other stories of the same author, made to entertain his cotemporaries, and not to enlighten posterity.

The gentleman says we have no credit upon which to undertake this road. No credit! Why? Because anarchy has been brought upon the land, and startled capital from its equanimity. But there is a better day before us. Kentucky has spoken, and Tennessee has spoken, and your own Virginia has spoken, and said to this demon of anarchy, "thus far shalt thou go, and no further." [Applause in the galleries.] Credit will be restored; credit will come again with the revived energies and the restored repose of our people and the Government.

Mr. PRYOR. The gentleman from New York alludes significantly to the result of the recent election in Virginia. Now, once for all, I wish to speak a word of this business. The result of that election has exposed Virginia to the compliments of gentlemen whose praises she will accept in no grateful sense. What has she done that she should be the victim of such suspicious adoration? What crime has she committed that she should be condemned to so intolerable an expiation? Permit me to say, sir, that Virginia, by the result of the recent election, has not pronounced for submission. She has declared this, and nothing else: that, so far as she is concerned, she is willing, in the abundance of her patriotic magnanimity, to make one more effort to save the Union; but unless justice and right be rendered her, she will not hesitate a moment to sever the ties which bind her to an iniquitous and oppressive association. [Applause in the galleries.]

Mr. SICKLES. I have not ventured to be the prophet of Virginia. I do not predict what she may do; I only record what she has done, and what she is now doing; and I do affirm that Virginia is responding to the magnanimous policy of Congress and the Executive; yes, she is responding to the appeal which the northern masses have made to her, to submit our difficulties to the arbitrament of reason, and not of passion. I say that Virginia, in her recent election, declares for the Union now. What she may do on some future day, I know not.

Mr. LEAKE. Will the gentleman allow me one word?

Mr. SICKLES. Certainly.

Mr. GROW. Does the Pacific railroad pass through Virginia? [Laughter.]

Mr. LEAKE. I want to say one word in support of the declaration of my colleague. I say now, to the gentleman from New York, and through him to the House, and through this House, if I could, to the whole northern branch of this Confederacy, that Virginia has decided, by a vote of one hundred and twenty out of one hundred and fifty-two members of her convention, in favor of secession, unless ample guarantees be given her by the 4th of March.

I state, furthermore, that she never will submit to the Union as it is now; and by her election she has determined in the most solemn manner she could determine. She has said this—and this is all she has said, or means to say—that she is willing to preserve this Union, and is anxious to do so, if she can get justice; and failing to get justice, she will look to her own right arm for protection, and appeal to no earthly power whatever to take care of her rights.

Mr. PRYOR. I appeal to the gentleman to allow me a single moment. I will obtrude upon his courtesy no further. I send to the Clerk's desk a paragraph from an article in the Richmond Whig, the organ of the party which triumphed in the recent election in Virginia—the party of *submission*, as they are here stigmatized; but, as I understand it, the party of resistance in the sense of valor and of patriotism.

The article was read, and is as follows:

"WHAT WAS DETERMINED BY THE LATE ELECTION.—We regret to see, from many of our northern exchanges, that the import of the late election in this State is, to a large extent, misunderstood or misrepresented in that section. The impression that Virginia has determined to remain in the Union *as matters now stand*—to submit to the rule of the new dynasty *under the Chicago programme*—is a gross and pernicious error. She has decided to do no such thing; nay, she has decided to do just the reverse, by a popular judgment approximating unanimity. She has determined that her connection with the northern States shall end, unless satisfactory and inviolable assurances are given that every constitutional right she has will be recognized and respected, and that her equality and safety, as a member of the Confederacy, will be free from all jeopardy."

Mr. SICKLES. All these interruptions are quite unnecessary, if they were intended to answer any implication of mine that I understood the result of the election in Virginia as excusing gentlemen holding the opinions entertained upon the other side of the House from just and necessary concessions. I have not said nor supposed that this election terminated all the questions which have agitated the country. Far from it. I said no such thing. But, sir, while I do not mean by any word I may say here, or by any construction I may put upon any southern election, to excuse or release gentlemen on that [the Republican] side of the House from their full responsibility at this crisis—for the crisis is yet here and upon us now—yet I may be permitted as an American, as a northern Democrat at least, to congratulate my country, my party, my associates at home, who have stood by the South in all her trials, who have fought side by side with her in all her battles—I may congratulate the three hundred and twelve thousand Union men of my State that they have met with a manly, a just, and cordial response from the people of Virginia and Kentucky and Tennessee. And that is all I do.

And I may be permitted to add, as I will, that the common sense of this country understands the result of the popular expression in those three States to be an earnest, a profound, an intense assertion of their love for the Union, and their confidence in the intelligence and patriotism of the people. That is the way I understand it; that is the way the masses of the people understand it.

Mr. Speaker, I did not intend to go into any extended discussion of these matters, but only referred to them as bearing upon the financial credit of this Government; and therefore, resuming the current of my remarks, I say, that if you will look at the history of Governments and of Administrations, you will find that they had credit in proportion as they inspired confidence, in proportion as the Government is made strong in its integrity. No Government can have credit when it submits to anarchy. It will have credit when capital, startled by these sudden and fearful events, shall have recovered its composure; and that day is not far off. The passions which have been aroused on the remote southern frontier have found a barrier where they should find it—in the hearts and purposes of their associate States. We do not ask them to listen to us, for they refuse; but we know they will not refuse to heed Virginia and Kentucky and Tennessee.

A single word more, and I will bring these remarks, which were only designed to be very cursory and brief, to a rapid conclusion. I say that the objections stated upon this floor heretofore, and repeated to-day, that this measure is to impose upon the Government an impossible outlay, is but a characteristic specimen of the exaggerations which are indulged in our discussions.

Sir, this bill does not call upon the Government to raise one dollar in the present condition of its credit. No man supposes that this year, or next year, or the year after, this Government will be called upon for any sum of money, if we pass this bill to-morrow. No, sir; and long ere the period shall arrive when the Government will be called upon to issue its bonds or stake its credit, we will have recovered all our energies, and the magnificent resources and powers of our people will go on in the development of their destiny on this continent, and the consolidation of our empire from the Mississippi to the Pacific ocean.

Mr. GARNETT obtained the floor.

Mr. CURTIS. I thought the gentleman from New York promised to move the previous question.

Mr. SICKLES. Ah! I forgot to do so. I appeal to the gentleman from Virginia, under the circumstances, to yield me the floor to enable me to fulfill my promise.

Mr. GARNETT. I, of course, give way to the gentleman, under the circumstances.

Mr. SICKLES. I demand the previous question on the pending amendment.

Mr. HASKIN. I move that the House do now adjourn.

The motion was agreed to.

And thereupon (at four o'clock and twenty minutes, p. m.) the House adjourned.

IN SENATE.

WEDNESDAY, *February* 13, 1861.

The VICE PRESIDENT. The order in reference to counting and declaring the votes for President and Vice President was to take effect at twelve o'clock. The Chair supposes, however, that the Senate desires to have the Journal read, as usual. The Secretary will read the Journal.

The Journal of yesterday was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. HAYS, Chief Clerk, announced that the House had passed the bill of the Senate (No. 547) for the relief of the parish of St. Matthew's church, of the city of Washington.

PRINTING OF DOCUMENTS.

The message further announced that the House had ordered, on yesterday, the printing of the following documents:

A letter from the Secretary of War, transmitting a communication from the Chief of Ordnance containing an estimate for increased appropriations for the armament of fortifications, and ordnance, &c.—ordered at twelve o'clock and twenty minutes.

Joint resolutions of the Legislature of Michigan in opposition to the extension of McCormick's patent—ordered at twelve o'clock and twenty-two minutes.

Joint resolutions of the Legislature of Michigan on the state of the Union—ordered at twelve o'clock and twenty-one minutes.

COUNTING OF ELECTORAL VOTES.

The message further announced that the House had passed the following order:

IN THE HOUSE OF REPRESENTATIVES,
February 13, 1861.

Ordered, That the Clerk inform the Senate that the House of Representatives is now ready to receive that body for the purpose of proceeding to open and count the votes of the electors of the several States for President and Vice President of the United States.

Mr. FOSTER. I present the petition——

The VICE PRESIDENT. The Chair will state to the Senator from Connecticut that, in pursuance of the order of the two Houses, nothing is now in order but to proceed to the House of Representatives.

Mr. BIGLER. I move that the Senate now proceed to the House of Representatives, in compliance with the order of the Senate.

The VICE PRESIDENT. It is moved and seconded that the Senate now proceed to the House of Representatives, for the purpose of counting and declaring the electoral votes.

The motion was agreed to.

The VICE PRESIDENT. The Chair will state that the usual order of proceeding to the House of Representatives has been for the Sergeant-at-Arms to go in advance; then the Secretary and Presiding Officer, with a messenger bearing the votes; and then the body of the Senate. If there be no objection, that order will be pursued.

The Senate thereupon proceeded to the Hall of the House of Representatives.

At twenty minutes to two o'clock the Senate returned to their Chamber.

The VICE PRESIDENT resumed the chair, and called the Senate to order.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate a report of the Secretary of War, communicating a modified estimate for fortifications for the next fiscal year; which, on motion of Mr. HALE, was referred to the Committee on Military Affairs and Militia.

PETITIONS AND MEMORIALS.

Mr. FESSENDEN presented the memorial of

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less extra number of any document. There is now no sort of cooperation between the two branches of Congress upon that subject. In printing even the Patent Office report, the House allows a certain number to the Department, and the Senate allows a certain number, and the number is uselessly multiplied—more than the wants either of the Department or the public require. This bill simply contemplates, as we now have the same printing establishment for both branches of Congress, instead of each branch electing its Printer as heretofore, that all the printing shall be ordered by the joint action of the two Houses.

Mr. FESSENDEN. The printing of all extra numbers?

Mr. FITCH. Yes, sir.

Mr. FESSENDEN. It is a very good idea.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed

AMENDMENT OF A BILL.

Mr. HALE. I ask the unanimous consent of the Senate at this time to make a verbal alteration in a bill that passed the Senate and has gone to be engrossed. It is found that the words "in the Treasury" are omitted in the naval appropriation bill. I ask the unanimous consent of the Senate that those words be inserted in the bill.

The PRESIDING OFFICER. If no objection be made, the Chair will assume it to be the unanimous consent of the Senate that the modification suggested by the Senator from New Hampshire be made. The Chair hears no objection; and that modification will be made.

PATENT LAWS.

Mr. BIGLER. I am directed by the Committee on Patents and the Patent Office, to whom were referred the amendments of the House of Representatives to the bill of the Senate (No. 10) in addition to "An act to promote the progress of the useful arts," to report them back to the Senate. I think the Senate can dispose of them in a very few minutes, and I hope they will now consider them. I will state that the committee examined them thoroughly, and I believe are unanimous in their report as to what amendments should be concurred in and what should not.

There being no objection, the Senate proceeded to consider the amendments of the House of Representatives to the bill.

The Secretary read the report of the Committee on Patents, as follows:

The Committee on Patents and the Patent Office, to whom was referred the amendments of the House of Representatives to the bill of the Senate, No. 10, entitled "An act to promote the progress of the useful arts," make the following report:

That the Senate agree to the first, second, third, fifth, sixth, ninth, and tenth amendments of the House, and disagree to the fourth and seventh amendments of the House of Representatives to the said bill, and that it agree to the eighth and tenth amendments of the House with amendments.

Mr. FESSENDEN. We have neither the time nor the disposition to understand this bill this afternoon; and therefore I move that the Senate adjourn.

Mr. BIGLER. I hope not until we get through with this bill.

Mr. JOHNSON, of Arkansas. I ask the Senator to withdraw the motion, to allow me to submit a motion, of course, to which there can be no objection in this body.

Mr. FESSENDEN. There are half a dozen on this side who want to make motions.

Mr. BIGLER. I hope we shall dispose of this bill.

The PRESIDING OFFICER. The question is on the motion to adjourn, which is not debatable.

The motion was not agreed to; there being, on a division—ayes nine; noes not counted.

The PRESIDING OFFICER. The question is on concurring in the report of the Committee on Patents, on the bill now before the Senate, reported by the Senator from Pennsylvania.

Mr. BIGLER. I will state that this bill and the amendments were referred to the Committee on Patents and the Patent Office, and thoroughly examined. As I stated before, the committee are unanimous as to the amendments that should be concurred in, and those from which the Senate should dissent. If it is desired by any Senator, they can be examined and explained in detail.

The PRESIDING OFFICER. The Chair will state the question. A report has been made from the Committee on Patents and the Patent Office, recommending a concurrence in certain amendments of the House of Representatives and a non-concurrence in certain other amendments; and unless a separate vote shall be called for by any Senator on the special propositions, the Chair will put the question on the report of the committee.

Mr. SIMMONS. I wish to say that the subject was thoroughly examined; and I hope the Senate will agree to the report.

The report of the committee was concurred in.

E. A. H. ADAMS AND OTHERS.

Mr. KENNEDY. I ask the indulgence of the Senate to allow me to report a joint resolution from the Committee on Naval Affairs, and to ask for its consideration at this time. It will create no debate. It is an object of charity. To make the case short, I am directed by the Committee on Naval Affairs, to whom was referred the memorial of Mrs. E. A. H. Adams, George M. Thompson, and Thomas H. Green, praying that authority may be given to the Secretary of the Navy to adjust and settle charges for boarding and attendance of three men attached to the navy-yard at Washington, who were injured by the bursting of a cannon on the 14th of July, 1859, to report a joint resolution in conformity with the prayer of the petition, and I ask that it be now taken up and considered.

The joint resolution (S. No. 63) for the relief of Mrs. E. A. H. Adams, George M. Thompson, and George H. Green, was read the first time, and ordered to a second reading.

Mr. KING. Let it be read through.

The Secretary read it. It directs the Secretary of the Navy to ascertain and pay to E. A H. Adams, George M. Thompson, and George H. Green, the amount of expenses that may, in his opinion, be proper, for the board and attendance of three men attached to the navy-yard at Washington, who were injured by the bursting of a cannon on the 14th of July, 1859.

The PRESIDING OFFICER. It requires unanimous consent to consider the joint resolution to-day. The Chair hears no objection.

The joint resolution was read the second time, and considered as in Committee of the Whole.

Mr. MASON. I wish to ask why we should pay these expenses?

Mr HALE. If the Senator will give me his ear a moment, I will state. These were sailors that were injured, very seriously so, by the discharge of a gun in the service of the Government; and they were put upon this poor widow to nurse and provide for; and she did it out of her own means.

Mr. KENNEDY. I hope I may be allowed to explain further. Upon some day in July, 1859, in a trial of ordnance, a gun bursted, and two men were killed and three very dreadfully mangled. They were taken up and carried to the nearest house, that of a poor widow, and there they have been ever since, and this is merely a bill to authorize the Secretary of the Navy to adjust and settle the account, to see that there is no overcharge for board and attendance. The account of attendance, at $1 50 a day, is here in the papers. They simply ask some three or four hundred dollars, to remunerate this old woman.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE H. GIDDINGS.

Mr. WADE. I desire to renew a motion that I made two or three days ago, to take up the House joint resolution (No. 62) for the benefit of George H. Giddings. As I understand, there is no real objection to it. It is to pay a certain amount for carrying the mails. That is all there is about it. The bill merely provides that the Department shall ascertain and pay what is actually due for services that are performed; and I hope it will pass. There seems to be no objection to it. A member of the House wants to be absent, and he desires to have this little bill passed before he leaves, and I told him I would do what I could about it. I hope we shall take it up and pass it.

Mr LANE. I should like to know if there is any report accompanying it?

Mr. WADE. Yes, sir; a very long report. It is a resolution that has passed the House. It has the universal assent of the committee of the Senate, I believe; and if the gentleman will read it, or hear it read, he will be satisfied. It is so worded that, it seems to me, it is impossible there can be anything wrong about it. It is to enable the Department to pay this man what is actually due him for services rendered.

Mr. JOHNSON, of Arkansas. Let us take it up, and pass it.

Mr. LANE. I should be very much obliged to the Senator from Ohio if he would state something like the amount of this claim. I do not want to have the time of the Senate taken up by the reading of the report.

Mr. WADE. There is no amount stated in the resolution. I do not profess to have investigated the case. I was applied to to bring it up; and it having the assent of the committee, I go more by faith than by sight on these small subjects.

The PRESIDING OFFICER. The Chair will state that the joint resolution is not before the Senate for consideration. The simple question is on taking it up for consideration.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. R. No. 62) for the benefit of George H. Giddings.

Mr. LANE. I should like to have some information about it; and if we cannot have it from the bill, I should like to hear the report.

The PRESIDING OFFICER. The joint resolution will be read

The Secretary read it. It directs that George H. Giddings be paid for services on route 8076, in accordance with the order of Postmaster General A. V. Brown, of October 23, 1858, after deducting what has been received thereon up to this time, on proof being furnished that the service has been performed; which amount is to be paid on the certificate of the Postmaster General, and be accepted by Giddings in full for all claims for services and damage against the United States.

Mr. MASON. If I understand the reading of the joint resolution correctly, it directed that the amount should be ascertained, and the amount paid. I think we ought to know what the amount is before we direct it to be paid. I submit to the Senator from Ohio that the amount should be ascertained, and we ought to know what it is before we direct it to be paid.

Mr. HEMPHILL. This bill is to be sent to the Secretary for the purpose of ascertaining the amount. The committee has not undertaken to state what the amount will be, because it has left that to the Secretary. The very object of the bill was, that he should ascertain the amount due and the number of trips that have been performed. This route was cut down; but notwithstanding it was cut down from a weekly to a semi-monthly service, the weekly service was continued to be performed for some time afterwards, at the request of the citizens upon the route, and at the request of the Secretary and the commanding general of that department. The mails were given regularly to the contractors at the different post offices, and were authorized to be given by the Department, notwithstanding the order to cut down the service. This is merely to provide for the payment for services that have been actually performed across the wilderness for several hundred miles.

Mr. FOSTER. I know nothing about this bill at all, Mr. President; but I remember, within a year or two past, we passed a bill somewhat similar, authorizing the Department to settle with some contractor, I think a steamboat company on the Lakes, and pay such an amount as was due for services actually rendered. It was very similar to this in its terms, and it came back from the President vetoed, with a statement in the veto message that, according to the claim, and according to the apparent data on which that account was to be settled, it would take somewhere from forty to sixty thousand dollars to pay it. No man in the Senate at the time supposed the amount would be anything like that sum, if they formed any opinion on it, and generally it was thought a very trifling one. After that bill came back, I remember it did not pass. I think that a sufficient reason why we should know something more about this resolution before we pass it.

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THE CONGRESSIONAL GLOBE:

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CONTAINING

THE DEBATES AND PROCEEDINGS

OF THE

SECOND SESSION OF THE THIRTY-SIXTH CONGRESS:

ALSO, OF THE

SPECIAL SESSION OF THE SENATE.

BY JOHN C. RIVES.

CITY OF WASHINGTON:
PRINTED AT THE CONGRESSIONAL GLOBE OFFICE.
1861.

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THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SIXTH CONGRESS, 2D SESSION. MONDAY, FEBRUARY 18, 1861. NEW SERIES....No. 60.

cause she is dependent on the South. From her trade with the South she derives annually an income of more than six hundred million, besides giving employment to millions of her starving population. What does she derive from the export trade of the North? Not one cent; because it is all consumed. Her bread, when there is a failure in Europe of crops, she sometimes gets from your ports. This is all. This does not constitute a basis of trade; because it is consumed, and hence no source of income.

We at the South understand the strength of our position. The step we are about to take is not one of our own choosing, but from necessity. That necessity you have created, against our repeated protests, as well as against our threats. You have not heeded our solemn protests, and you have laughed to scorn our threats. As you have scorned our threats, so we now scorn yours, and we defy your power.

Do not, I implore you, suppose that Virginia will submit to oppression. She loves this Union, and will sacrifice all, except her honor and the liberties of her people, to preserve it. You now assail both. She has called her young men and her old men together around her council board. They have left their swords at home, because their presence sometimes engenders strife.

They want peace, and not war; but if you do not acknowledge the sovereignty of Virginia, and the equality of her people, you will find them, too, on the war path.

Mr. WEBSTER obtained the floor.

SPECIAL COMMITTEE.

Mr. MAYNARD. I presume the gentleman from Maryland does not desire to proceed this evening; and I ask him to yield to me to enable me to present a resolution.

Mr. WEBSTER. I yield to the gentleman from Tennessee.

Mr. RUST. I must object to any business being done. There are not twenty members in the Hall.

Mr. MAYNARD. The resolution is merely designed to facilitate the investigation provided for in the resolution introduced yesterday by the gentleman from Virginia, [Mr. PRYOR.]

The Clerk read the resolution, as follows:

Resolved, That the special committee of three, appointed under the resolution of the 14th instant, have leave to sit during the sessions of the House, and to employ a reporter, who shall also act as clerk, at a rate of compensation not exceeding that usually paid for similar services.

Mr. RUST. I object to that resolution.

Mr. MAYNARD. It is a customary resolution.

Mr. RUST. I do not care. I object to it utterly. I am opposed to the employment of any more reporters.

Mr. CLARK, of Missouri. It was the understanding of the House that no business should be done this evening; and whilst I have no objection to the resolution, I think we ought to carry out that understanding in good faith.

Mr. McCLERNAND. I appeal to the gentleman from Arkansas to withdraw his objection to the resolution of the gentleman from Tennessee, on condition that he shall strike out that portion of it which authorizes the committee to employ a stenographer. What necessity can there be for the employment of a stenographer?

Mr. MAYNARD. We have to take some testimony.

Mr. RUST. I object to the resolution.

ENROLLED BILL SIGNED.

Mr. THEAKER, from the Committee on Enrolled Bills, reported as truly enrolled "An act for the relief of Hockaday and Ligget;" when the Speaker signed the same.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PATTON, one of their clerks, announced that the Senate had passed bill of the House for the relief of George H. Giddings, with amendments, in which he was requested to ask the concurrence of the House.

RICHARD W. MEADE.

Mr. MAYNARD entered a motion to reconsider the vote by which the resolution reported by him this morning from the Committee of Claims in relation to the claim of Richard W. Meade was laid upon the table.

And then, on motion of Mr. CLARK, of Missouri, (at four o'clock and twenty-five minutes, p. m.,) the House adjourned.

IN SENATE.

SATURDAY, *February* 16, 1861.

Prayer by the Chaplain, Rev. Dr. GURLEY.

The SECRETARY called the Senate to order.

Mr. POWELL. Mr. Secretary, the Vice President is indisposed this morning, and will not be able to take his seat as President of the Senate. I move that the Senator from Vermont [Mr. FOOT] take the chair as President *pro tempore* of the Senate.

The SECRETARY. Senators, it is moved and seconded that Mr. FOOT take the chair as President *pro tempore*. If there be no objection, Mr. FOOT will please take the chair.

There being no objection, Mr. FOOT took the chair as President *pro tempore*, and directed the Journal to be read.

The Journal of yesterday was read and approved.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives yesterday, were severally read twice by their titles, and referred as indicated below:

A bill (No. 655) granting a pension to Prentis Champlain—to the Committee on Pensions.

A bill (996) for the relief of Azel Spaulding—to the Committee on Claims.

COMMITTEE SERVICE.

Mr. HALE. I am instructed unanimously by the Committee on Naval Affairs to ask the Senate to reconsider a vote which was taken yesterday. I was not in the Senate Chamber when the vote was taken excusing the Senator from New Jersey [Mr. THOMSON] from serving upon that committee. I wish to say that the intercourse of the committee with the chairman has been, without any interruption, of the kindest character, and they are unwilling to have this tie broken so near the close of the session; and it is their unanimous request that he be continued. I have mentioned the fact to him, and I hope the Senate will reconsider the vote, so that the committee may have the benefit of his service for the remainder of the term.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves to reconsider the vote by which the Senate discharged the Senator from New Jersey from further service upon the Committee on Naval Affairs.

Mr. GREEN. Not in his absence.

Mr. HALE. I have seen the Senator from New Jersey.

Mr. GREEN. Very well.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. Now the question recurs on the motion to excuse the Senator from New Jersey.

The motion was not agreed to.

REPORTS FROM COMMITTEES.

Mr. FITCH. The Committee on Printing, to whom was referred a motion to print a letter of the Treasurer of the United States, communicating copies of his accounts for the Post Office Department for the year ending June 30, 1860, have instructed me to ask that the committee be discharged, the usual number having been printed in the House of Representatives.

The committee were discharged.

Mr. FITCH. The same committee, to whom was referred a report of the acting Secretary of the Interior, communicating, in compliance with a resolution of the Senate, a transcript of all accounts paid for the erection of the east and west wings, and the north front of the Patent Office building, and for alterations and repairs to the south front of the same, do not deem themselves the proper tribunal for the decision of the question of printing this document. They ask that they be discharged from its further consideration, and that it be referred to the Committee on Public Buildings and Grounds. If that committee deem it worthy of publication, the Senate, of course, on the recommendation of that committee, will print the usual number. That was the only question referred to the Committee on Printing. They report it back, with the request that it be referred to the Committee on Public Buildings and Grounds, and the Committee on Printing be discharged from the further consideration of it.

The motion was agreed to.

PATENT OFFICE AGRICULTURAL REPORT.

Mr. FITCH. I desire to call up the resolution introduced by the Committee on Printing a day or two since, on the subject of the agricultural portion of the Patent Office report. The Senator from Maine, I believe, desires to amend it.

Mr. PEARCE. I will ask the Senator from Indiana to allow me, before he proceeds with the discussion of it, to make a report.

Mr. FITCH. I understand there will be no discussion.

The motion of Mr. FITCH was agreed to; and the Senate proceeded to consider the following resolution, reported by him from the Committee on Printing, on the 14th instant:

Resolved, That twenty thousand additional copies of the annual report of the Commissioner of Patents on agriculture, for the year 1860, be printed for the use of the Senate; and five thousand additional copies for distribution by the Interior Department, including sixteen pages of illustrations.

The resolution was agreed to.

LIEUTENANT MICHLER'S REPORT.

Mr. FITCH. A report of the Secretary of War, communicating, in compliance with a resolution of the Senate, Lieutenant Michler's report of his survey for an inter-oceanic ship canal near the Isthmus of Darien, was yesterday referred to the Committee on Printing on the question of printing the usual number. It is not usual to refer that question to the committee. Although I have had no consultation with my colleagues upon the committee on the subject, I think I can speak for them in this matter, when I say they desire to be relieved from the consideration of the question of printing the usual number of documents of this kind. It is for the Senate to decide. The committee, therefore, ask to be discharged from the further consideration of that report.

Mr. GREEN. Then it should be now considered. It is Lieutenant Michler's report.

The motion to discharge the committee was agreed to.

Mr. GREEN. I ask for the present consideration of the motion in that case.

The PRESIDENT *pro tempore*. The committee has been discharged; and the question now is on the motion to print the usual number.

The motion was agreed to.

DEFICIENCY BILL.

Mr. PEARCE, from the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 866) to supply deficiencies in the appropriations for the fiscal year ending June 30, 1861, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 866) to supply deficiencies in the appropriations for the fiscal year ending June 30, 1861, having met, after full and free conference, have agreed to recommend to their respective Houses, as follows:

That the Senate recede from their disagreement to the amendments of the House of Representatives to the second and sixth amendments of the Senate, and concur in said amendments of the House.

That the House recede from their disagreement to the fifth amendment of the Senate, and agree to the same with an amendment, as follows: strike out from the second line of the amendment the words, "and for office rent, fuel, &c.;" and, in the fourth and fifth lines of the amendment,

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of the slave, (if you please to call him so,) as well as where it is against him. Suppose the court in the Territory decides that the man is free: then the person claiming to hold him as a slave may take an appeal, just as a person who should be decided to be a slave might take an appeal, the decision being against him. Now, the object of striking out these words is to take away the right of appeal, as I understand it, in both cases. It is not allowed in other cases in the United States. An appeal is not allowed from the decision of a United States judge in the State of Illinois, on a question involving personal freedom, either by the person who claims to hold the slave, or by the slave himself, to the Supreme Court of the United States. This is an innovation upon the general law. The object is evident. I was not in the committee, but it is apparent that the object of striking out the clause is to leave that class of cases just where they are left in all the States. There was another clause of the Kansas-Nebraska bill, which is not in this bill that my colleague has alluded to, and I think he has confounded the two together. There was a clause in that bill which allowed an appeal to the Supreme Court of the United States in all cases, without regard to the value in controversy, where the title to slaves was involved. That clause is not in this bill at all, and that clause has nothing to do with the one which we are now considering. It is not necessary for me to imagine what the reasons were for striking it out; but that is an entirely distinct matter. The matter in controversy here has nothing to do with that case, for it is simply giving appeals to the Supreme Court of the United States in *habeas corpus* cases. That is not done anywhere else, and there is just as much necessity for it in the States as there would be in the Territories. I merely wish to have the matter understood.

Mr. DOUGLAS. My colleague has shown the propriety of having the bill read, and I shall now be under the necessity of calling for the reading of the entire bill. He discloses the fact that another important provision which has been usual in Territorial bills, and uniformly inserted from 1850 down, is omitted in this one. These two provisions—the one he has last called attention to in regard to the title to slave property, and that in regard to questions of personal freedom—were both inserted in 1850, after full debate, upon the ground that if the master of a slave brought a suit in the Territories for the recovery of his slave, and the decision of the local court should be against him, he might appeal; and if, on the contrary, the person who was alleged to be a slave brought his suit for personal freedom, he might appeal. It was to give the Supreme Court the right to hear the decisions of the local courts upon that point.

Mr. TRUMBULL. Will my colleague allow me, right there? I suppose——

The PRESIDENT *pro tempore*. The Senators will suspend their remarks. The hour of one o'clock having arrived, it is incumbent on the Chair, under the rules of the Senate, to call up for consideration the unfinished business of yesterday, which is the tariff bill.

Mr. GREEN. I would suggest to the Senator from New York, [Mr. KING,] that it will be in order for him to move to postpone this bill, in order to present his petitions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. FORNEY, its Clerk, announced that the House had passed the bill of the Senate (No. 154) for the relief of Randall Pegg.

The message further announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 554) to extend the right of appeal from decisions of circuit courts to the Supreme Court of the United States.

PRINTING OF DOCUMENTS.

The message further announced that the House had ordered to-day, at twelve o'clock and sixteen minutes, the printing of a letter from the Secretary of War, in answer to a resolution of the House, calling for a copy of the official letter of George P. Ihrie, late first lieutenant of the third regiment of United States artillery.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker had signed the following enrolled bills and joint resolution:

A bill (S. No. 125) for the relief of John Peebles;

A bill (S. No. 274) for the relief of Townsend Harris, or his heirs or legal representatives;

A bill (H. R. No. 623) for the relief of William Cowing;

A bill (H. R. No. 554) to extend the right of appeal from decisions of the circuit courts to the Supreme Court of the United States; and

A joint resolution (H. R. No. 62) for the benefit of George H. Giddings.

PATENT LAWS.

The message further announced that the House of Representatives insists on its amendments to the bill of the Senate (No. 10) in addition to "An act to promote the progress of the useful arts," disagreed to by the Senate; disagrees to the amendments of the Senate to certain other amendments of the House of Representatives to the said bill; asks a conference on the disagreeing votes of the two Houses thereon; and has appointed Mr. WILLIAM E. NIBLACK of Indiana, Mr. CHARLES B. HOARD of New York, and Mr. E. B. WASHBURNE of Illinois, the committee on the part of the House.

On motion of Mr. BIGLER, the Senate proceeded to consider the amendments of the House of Representatives to the bill (S. No. 10) in addition to "An act to promote the progress of the useful arts," and the amendments of the Senate to other amendments of the House thereto.

On motion of Mr. BIGLER, it was

Resolved, That the Senate insist upon its disagreement to the amendments of the House of Representatives to the said bill insisted on by the House, and upon its amendments to other amendments of the House, and that it agree to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon.

On motion of Mr. BIGLER, the President *pro tempore* was authorized to appoint the committee on the part of the Senate.

THE TARIFF BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 338) to provide for the payment of outstanding Treasury notes, to authorize a loan, to regulate and fix the duties on imports, and for other purposes. The select committee had reported an amendment to strike out all after the enacting clause of section thirty, in the following words:

"That from and after the day and year aforesaid, any and all goods, wares, or merchandise imported from any foreign countries, and entered for warehousing or deposited in the public stores in consequence of the duties not being paid, shall be so entered or deposited, subject to the following conditions, to wit: that the same shall be withdrawn from the warehouse or public stores within thirty days from the time and date of the entry, for domestic consumption, and the duties thereon shall be duly paid in cash at the time of such withdrawal, or be thereafter prohibited from being withdrawn, except for the purpose of exportation beyond the limits of the United States; and in no case shall any goods, wares, or merchandise, as aforesaid, so imported and entered and deposited for warehousing, be entitled or permitted to be entered for domestic consumption, unless the same has been so withdrawn within the time heretofore mentioned: *Provided*, That goods, wares, or merchandise which shall have been withdrawn as aforesaid, and which shall have been exported and landed beyond the limits of the United States, may be from thence duly reimported in the same manner provided for in the first instance: *Provided also*, That this section shall not apply to goods, wares, and merchandise imported from beyond the Cape of Good Hope or Cape Horn until the 1st of January, 1861: *Provided further*, That all acts or parts of acts relating to the subject-matter herein embraced, and inconsistent therewith, are hereby repealed."

And to insert in lieu thereof, the following:

That on all goods, wares, and merchandise, remaining on deposit in warehouse or public stores, on the 1st day of July, A. D. 1851, the duties shall be paid within ninety days thereafter, and on all deposited after the said 1st day of July, the duties shall be paid within ninety days from the time of deposit. The said goods on which the duties have been paid may be at any time withdrawn for consumption, and may be taken out for exportation beyond the limits of the United States, at any time within six months from the time of the payment of duties thereon; and on being so exported, the duties thereon shall be refunded, deducting one per centum; but no duties shall be refunded on goods, wares, or merchandise withdrawn more than six months after the time the duties were paid thereon.

Mr. SEWARD had moved to amend the amendment by striking out "ninety days," and inserting "three years;" and the pending question was on this amendment to the amendment.

Mr. KING. This proposition, Mr. President, was the subject of some debate yesterday; but there are considerations connected with it which have not been presented to the Senate. This bill itself, as a whole, is a very great change of the present mode of conducting much in the business of the country dependent upon the revenue law, and great changes in business are undesirable. I remember very well when this warehousing system was adopted. It was a subject of very grave and serious discussion and debate some years before it was adopted. It has operated well for the mercantile classes. This bill, in all its provisions, bears upon the commerce of the country; and, in my judgment, it would be well, in levying the increased duties which we are compelled to do for revenue, if we should relieve that class from what they may consider a very great injury to their business, by leaving them the warehouse system as it is. Let it alone; and leave it to them so as not to interrupt in that way their business. They have been in the habit of importing a large amount of goods, and storing them in the warehouses; which, whenever they are wanted by the country, are taken from the warehouses, and the duty paid. If they are to be reëxported, of course the revenues of the country, and the interests of this country particularly, are not effected, except that our own people have had the carriage over the sea and the transportation of them, and the increase which that has given to their commerce. I hope, therefore, that the warehousing system will be left undisturbed. I have no disposition, however, to extend the discussion on this matter unnecessarily. I believe it is pretty well understood by the Senate; and I hope the amendment of my colleague will prevail.

Mr. GRIMES. I should like to have the Senator inform us what is the character of the goods that are generally left in the warehouses over the period of one year? For whose benefit, or for what particular branch of trade, is this warehousing to be used? I understand from the Senator from Rhode Island that almost the whole amount of goods that are kept in warehouse over twelve months are liquors.

Mr. SEWARD. Oh, no.

Mr. GRIMES. I understood him to say so.

Mr. KING. They remain with other goods, undoubtedly; but there are all sorts of goods there.

Mr. GRIMES. The Senator from Rhode Island said they were nearly all liquors that remain there over a year.

Mr. SIMMONS. I desire to say a word on this subject. I am not going to detain the Senate. The Senator from New York yesterday stated that this warehousing system was a great advantage to the commerce of the country; that a large amount of these goods in the warehouse were reshipped, and thus added a great deal to the carrying trade. I took the pains this morning to find out what proportion of the foreign goods were reëxported. I find that, from 1821 to 1826, the importation of foreign merchandize bore a proportion of twenty-two per cent. to the whole imports.

Mr. SUMNER. During what time?

Mr. SIMMONS. From 1821 to 1826 twenty-two per cent. of the foreign goods was reshipped in our own vessels. From 1827 to 1837, thirteen and a half per cent. were reshipped. From 1837 to 1841, there were eight per cent. reshipped; and, since this warehousing system has come into operation, there were but five and three fourths per cent. The amount reshipped is not one quarter what it was before we had this system. It is merely a plan to get credit on duties—nothing else.

Mr. GRIMES. What was the character of the goods?

Mr. SIMMONS. In 1857, the first year I took, there were $56,487,000 in warehouse, as I stated yesterday, the duties on which would amount to $16,000,000. There was but one schedule of 30 per cent., and that was on wines, brandies, and liquors; and there were not enough of those in the warehouses, at 30 per cent., to make out the duties by $10,000. I think it is a kind of place where they quarter this corruption fund. They can take it out and change the liquors as they have a mind to. I want to see it stopped. I do not desire to embarrass commerce. I am perfectly willing to give as much time as any reasonable man thinks we can afford to give credit; for this is simply a plan to give credit on the duties. I am willing to give it for three months, or five months, or six months. I have no particular so-

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Government, and for all the people North and South to cheerfully and cordially aid him in the enforcement of the laws and the protection of our flag.

3. To give complete protection to the persons and property of all northern men visiting and temporarily residing in the slaveholding States, and especially to save northern men from hanging for no other crime than being ministers and missionaries of the gospel.

4. For Congress to abolish slavery in all the dock-yards, arsenals, and other places where it has the right and jurisdiction to do so, and in this District, when the inhabitants shall desire it.

When these compromises are conceded and agreed on, I think we may have peace on the slavery questions.

All that the friends of civil and religious liberty have to do in this crisis is to stand firm by their faith, gather round and uphold the good old Constitution of our fathers, and loyally defend the Union they established. It seems to me that our duty is very plain.

We are asked to make new laws. I answer, there are too many already. Let the present laws be enforced. Amend the Constitution? Let the people do it in the regular way, whenever they think it desirable. I shall not object. No, sir; obey the Constitution, and administer the laws as they are, and all will be well. Stand by the Union of our fathers. Rally under the glorious folds of the stars and stripes; AND THE COUNTRY WILL BE SAVED. And for the rest, let us "trust in God, and keep our powder dry."

"Stand for the right, 'mid the gloom and the sorrow,
That hangs lowering over the prospect to-day,
For the truth will shine brighter and clearer to-morrow,
While darkness and doubt shall be driven away.
Stand, as the rock of old Plymouth is standing,
Though lashed by the fury of ocean so long;
'Twas a foothold most firm to the pilgrim on landing,
And stands for his children, now equally strong."

Messrs. ELY and McKEAN next addressed the House. [Their speeches will be published in the Appendix.]

Mr. STEWART, of Pennsylvania, obtained the floor.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PATTON, one of their clerks, announced that the Senate had passed a joint resolution to repeal a joint resolution approved June 15, 1860, for the relief of William H. De Groot.

Also, that the Senate had ordered the printing of certain documents.

And then, on motion of Mr. VAN WYCK, (at nine o'clock and thirty minutes, p. m.,) the House adjourned.

IN SENATE.

TUESDAY, *February* 19, 1861.

The Secretary proceeded to read the Journal of yesterday.

Mr. JOHNSON, of Arkansas. I move to dispense with the further reading of the Journal. It is a recitation of enrolled bills, bills referred, and other such uninteresting details.

The VICE PRESIDENT. Is there unanimous consent to dispense with the further reading of the Journal? The Chair hears no objection.

PATENT LAWS.

The VICE PRESIDENT appointed Mr. BIGLER, Mr. RICE, and Mr. WILSON, the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 10) in addition to "An act to promote the progress of the useful arts."

CONSULAR AND DIPLOMATIC BILL.

The VICE PRESIDENT appointed Mr. NICHOLSON as a member of the committee of conference upon the bill (H. R. No. 864) making appropriations for the consular and diplomatic expenses of the Government for the year ending June 30, 1862, in the place of Mr. SAULSBURY, who is absent.

PETITIONS AND MEMORIALS.

Mr. RICE. The other day, when I presented a memorial to the Senate immediately following one presented by my colleague, I stated that I believed evidence would soon be sent here to satisfy the Senate that the people of the State of Minnesota were for peace; that they were anxious to have the vexed questions now disturbing the country settled in an amicable manner; and I can state now that I believe what I said then is soon to be verified. They are in hopes that the question will be settled, and that the Union will be preserved; but if separation must take place, I believe it is the wish of nine tenths of the people of that State that that separation shall be a peaceful one. Here is a memorial, signed by over one half of the voters of the city of St. Paul. This is in addition to one that I have already presented; and as there is a short letter accompanying it, I ask that that may be read.

The Secretary read the following letter:

ST. PAUL, *February* 11, 1861.

DEAR SIR: May we ask you to present, at an early day, the accompanying memorial to Congress; the entire memorial being signed by twelve hundred legal voters of this city, largely representing both political parties—all easily obtained without a regular canvass of the city, which would have increased the number to at least two thousand.

The memorial was originated and largely signed by conservative Republicans.

The people are anxious for an adjustment; for the preservation of the Union, if possible; and, at all events, for a peaceful solution of the quarrel, if a separation is unavoidable. If we are to have two Governments, matters will not be mended by cutting each others' throats.

* * * * * * * * * *

Very truly, &c., THOMPSON & BROTHERS.

Hon. H. M. RICE, *Washington*.

Mr. RICE. I move that the memorial lie on the table.

The motion was agreed to.

Mr. RICE also presented a memorial of citizens of St. Anthony, Minnesota, praying for the adjustment of the sectional difficulties on the principles contained in the resolution of Mr. CRITTENDEN, or that of Mr. RICE; which was ordered to lie on the table.

He also presented a petition of citizens of St. Cloud, Minnesota, praying for the adjustment of the sectional difficulties on the principles contained in the resolution of Mr. CRITTENDEN, or that of Mr. RICE; which was ordered to lie on the table.

He also presented a memorial of citizens of Stillwater, Minnesota, praying for the adjustment of the sectional difficulties on the principles contained in the resolutions of Mr. CRITTENDEN, or that of Mr. RICE; which was ordered to lie on the table.

Mr. BIGLER. Mr. President, hundreds of thousands of memorials have been presented to the Senate, signed by men of every class and every political party, praying Congress to take some action to secure continued peace to the country, and the permanency of the Union; but no action has been taken. I have the honor and pleasure of presenting this morning, a memorial from a band of pure-minded and patriotic ladies in my State—two hundred and twenty in number—who live in the county of Cambria, on the Alleghany mountains, in the pure atmosphere, twenty-five hundred feet above the level of the sea, who, seeing the inaction of Congress and the imperriled condition of the country, have deemed it their duty to send their prayer to Congress and see whether it is not possible for them to produce such action as will bring peace to the country. I will read briefly what they say:

To the honorable the Senate and House of Representatives of the United States:

GENTLEMEN: The undersigned ladies of the borough of Johnstown, Cambria county, Pennsylvania, feeling a deep and abiding interest in the perpetuity of our country, do most earnestly and respectfully ask your honorable bodies to adopt, without delay, such measures as may be necessary to heal the threatening breach between the northern and southern States of this Confederacy, and thus insure the existence of our glorious Union for ages yet to come. The demands of the border slave States, asking constitutional guarantees that their rights, in the Union, shall be protected, and no longer trampled upon, seem to your petitioners just and right. Grant them, and peace will again be restored, and our happy country move onward and upward in a career of prosperity unequaled by the past, and your petitioners, as in duty bound, will thank God for his mercies.

I move that the memorial lie on the table.

The motion was agreed to.

Mr. JOHNSON, of Arkansas I hope there are no more petitions.

The VICE PRESIDENT. There are evidently a good many more.

Mr. TEN EYCK. I have one.

Mr. JOHNSON, of Arkansas. If I have the right to object to the explaining and reading of petitions, I do so. You might as well sing psalms to a dead horse [laughter] as to get up and read these petitions, and consume all the little time left of the morning hour, but about fifteen minutes. It is too bad; and it is so every morning, and it will continue to be so until the end of the session, unless it is arrested in some way or other.

Mr. TEN EYCK. By the leave of the Senator, I should like to present a petition, without any remark. I have a petition of more than six hundred citizens of Jersey City, New Jersey, praying Congress to stand by the Constitution as it is, and to enforce a wholesome respect for the Federal laws. I move that the petition lie on the table.

The motion was agreed to.

Mr. CRITTENDEN. I present a petition of legal voters of Machias, Maine, and its vicinity, without distinction of party, praying Congress to adopt the measures of conciliation and compromise submitted by me, or any similar plan which will insure tranquillity and the peaceful perpetuity of the present American Union. I have no speech to make; but I may say that these petitions are about the best speeches I hear on this floor on the subject.

The memorial was ordered to lie on the table.

Mr. SEWARD presented a petition of citizens of school district No. 10, in Bethany, Genesee county, New York, without distinction of party, requesting Congress to stand firm for the Union, the Constitution as it is, and the enforcement of the laws; which was ordered to lie on the table.

He also presented a petition of citizens of Brooklyn, New York, praying Congress to stand firm for the Constitution and the Government, and to make no compromise whatever; which was ordered to lie on the table.

He also presented a petition of citizens of Philadelphia, in favor of the Union, the Constitution, and the enforcement of all the laws; which was ordered to lie on the table.

He also presented a petition of citizens of Pennsylvania, representing that they have learned with much concern that some of the people of the United States, unmindful of their duty as good citizens, are in open rebellion against the Constitution and laws thereof, and that some disposition is manifested on the part of the Federal authorities to compromise and negotiate with traitors, and thus justify their treason; and earnestly protesting against any and every compromise, either by amendments to the Constitution or otherwise; and praying Congress so to strengthen the heart and hands of the Executive that he may effectually maintain the Government as it is; which was ordered to lie on the table.

Mr. SEWARD. I present the memorial of J. Arlington Bennett, inventor and patentee of a car which may be used, he says, for civil and military purposes, either on a railroad or in the open country, or on the field of battle. He regards it as a very important and valuable invention. I move its reference to the Committee on Military Affairs and Militia.

The motion was agreed to.

Mr. SEWARD. I present, also, a petition from the attorney general and others, of the State of New York, including many distinguished citizens—including Charles O'Conor, Amos Dean, and others—in which they recite that "whereas it hath lately become a most deplorable fashion to send petitions and lamentations to Congress upon the state of the country, which can in no way mitigate the present evils, but tend rather to weary and confuse the minds of our honorable and worthy legislators; and whereas we think that the attention of Congress should be directed to higher and more elevating subjects," your petitioners therefore pray that Congress will enact suitable and efficient laws against unmitigated scribbling. [Laughter.] I move that it be referred to the Committee on the Library.

The motion was agreed to.

LAND LAWS.

Mr. JOHNSON, of Arkansas. I ask leave to call up a joint resolution, which I was instructed by the Committee on Public Lands to report last year. I was directed to do so during the last session of Congress, but it escaped my attention until a very few days ago; and I now ask its adoption by the Senate. It is in regard to the purchase by the Government of a certain compilation of the laws applicable to all the land offices throughout

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tion of the Chair, I change my vote, and vote "ay."

The result was announced as above recorded.

Mr. KELLOGG, of Illinois. I now offer, as an amendment to the amendment known as the Crittenden amendment, the following:

Strike out all after the word "that," and insert:

The following articles be, and are hereby, proposed and submitted as amendments to the Constitution of the United States, which shall be valid, to all intents and purposes, as part of said Constitution, when ratified by conventions of three fourths of the several States.

ART. 13. That in all the territory now held by the United States situate north of latitude 36° 30' involuntary servitude, except in the punishment for crime, is prohibited while such territory shall remain under a territorial government; that in all the territory now held south of said line, neither Congress nor any Territorial Legislature shall hinder or prevent the emigration to said territory of persons held to service from any State of this Union, when that relation exists by virtue of any law or usage of such State, while it shall remain in a territorial condition; and when any territory north or south of said line, within such boundaries as Congress may prescribe, shall contain the population requisite for a member of Congress, according to the then Federal ratio of representation of the people of the United States, it may, if its form of government be republican, be admitted into the Union on an equal footing with the original States, with or without the relation of persons held to service and labor, as the constitution of such new State may provide.

ART. 14. That nothing in the Constitution of the United States, or any amendment thereto, shall be so construed as to authorize any department of the Government to, in any manner, interfere with the relation of persons held to service in any State where that relation exists, nor in any manner to establish or sustain that relation in any State where it is prohibited by the laws or constitution of such State. And that this article shall not be altered or amended without the consent of every State in the Union.

ART. 15. The third paragraph of the second section of the fourth article of the Constitution shall be taken and construed to authorize and empower Congress to pass laws necessary to secure the return of persons held to service or labor under the laws of any State, who may have escaped therefrom, to the party to whom such service or labor may be due.

ART. 16. The migration or importation of persons held to service or involuntary servitude, into any State, Territory, or place within the United States, from any place or country beyond the limits of the United States or Territories thereof, is forever prohibited.

ART. 17. No Territory beyond the present limits of the United States and the Territories thereof, shall be annexed to or be acquired by the United States, unless by treaty, which treaty shall be ratified by a vote of two thirds of the Senate.

Mr. BURNETT. I rise to a question of order. There is no amendment now in order.

Mr. SICKLES. Unless it be an amendment to the original proposition.

Mr. KELLOGG, of Illinois. The gentleman is mistaken. My amendment is one in the second degree, to the substitute offered by the gentleman from Virginia, [Mr. CLEMENS.]

Mr. SICKLES. That substitute is not before the House.

Mr. KELLOGG, of Illinois. It is before the House, and an amendment offered to it.

Mr. SICKLES. It is not before the House. The first question is, on perfecting the original matter to which the substitute is offered.

The SPEAKER *pro tempore*. The proposition of the gentleman from Illinois is in order.

Mr. KELLOGG, of Illinois. I move the previous question.

Mr. TAPPAN. Is it in order to move to amend the amendment of the gentleman from Illinois?

The SPEAKER *pro tempore*. It is not.

The previous question was seconded, and the main question ordered; and then, on motion of Mr. LOVEJOY, (at eight o'clock, p. m.,) the House adjourned to to-morrow morning at eleven o'clock, a. m.

IN SENATE.

WEDNESDAY, *February* 27, 1861.

Prayer by the Chaplain, Rev. Dr. GURLEY.

The Secretary proceeded to read the Journal of yesterday.

Mr. CRITTENDEN. It seems to me there is no great use in reading that long volume of proceedings of yesterday. Gentlemen are not in the habit of listening to it with such attention as to correct any little error that may occur. That may be better detected hereafter when it is in print, when those gentlemen who desire to do so may examine it. I move to dispense with the further reading.

The motion was agreed to, by unanimous consent.

The VICE PRESIDENT. The Chair will suggest that, if the order of business is not interfered with, in ten or fifteen minutes petitions and reports may be got through with.

PETITIONS AND MEMORIALS.

Mr. CRITTENDEN. I present a petition of citizens of Iowa, praying for the settlement of our national difficulties by the adoption of resolutions submitted by me, or those of the Representatives of the border States, or the substitute of Mr. DOUGLAS. I will only read the first two lines:

"The Union, now and forever, one and inseparable."

I also present a petition, to the same purpose, from the citizens of Muhlenburg county, Kentucky. I ask that the petitions lie on the table.

It was so ordered.

Mr. TRUMBULL presented a petition of residents and legal voters of the town of Tuscola, county of Douglas, State of Illinois, representing that they are firmly and irrevocably attached to the Constitution and laws of the United States as they are, and that they are opposed to all compromises with traitors and with men who are directly or indirectly plotting the overthrow of the Government, and praying Congress at once to adopt such measures as may be necessary to hold and to protect the property of the Government; to maintain the honor of our flag and the integrity of the Union; which was ordered to lie on the table.

Mr. TEN EYCK. In obedience to what I consider the right of petition, I present the following:

"We the undersigned, citizens of the United States, in view of the alarming and distracted state of the country, and the well-founded apprehensions of civil war, beg your honorable bodies to embrace any just and equitable compromise that may be proposed, in the hope that our national difficulties may be speedily settled.

"To this end, among any amendments that may be offered to the Constitution, we beg leave respectfully to propose, that hereafter, no State may be permitted to secede from the Union without the consent of all the other States, save and alone the State of South Carolina, who may be allowed to come in and go out whenever she pleases." [Laughter.]

I move that the memorial lie on the table.

The motion was agreed to.

Mr. SUMNER presented a memorial of citizens of western Pennsylvania, praying for the repeal of all laws respecting the carrying of the mail and the opening and closing of post offices on the Sabbath, and to put a stop to all other violations of the Sabbath; which was referred to the Committee on the Post Office and Post Roads.

He also presented a memorial of citizens of western Pennsylvania, praying for the repeal of the fugitive slave law, the abolition of slavery in the District of Columbia, that provision be made for the termination of slavery, protesting against the reopening of the slave trade, and praying that the liberty of speech and of the press may be maintained, and the executive patronage curtailed; which was ordered to lie on the table.

Mr. WILSON presented a petition of citizens of Newburyport, Massachusetts, setting forth that they believe in the justice and soundness, as well as the patriotism, of the principles embodied in the Chicago platform, and that the Constitution gives the fullest security for the rights of all the citizens of the United States, and remonstrating against the passage of the Crittenden resolutions, and expressing their gratitude to Senators WILSON and SUMNER, and their Representatives, for their faithfulness to them; which was ordered to lie on the table.

Mr. BIGLER presented a petition of citizens of Blair county, Pennsylvania, praying for the adoption of the compromise measures proposed by Hon. Mr. CRITTENDEN; which was ordered to lie on the table.

He also presented a petition of citizens of Franklin county, Pennsylvania, praying for the adoption of the compromise measures proposed by the representatives of the border States; which was ordered to lie on the table.

REPORTS FROM COMMITTEES.

Mr. THOMSON, from the Committee on Naval Affairs, to whom was referred the memorial of H. Paulding, a captain in the Navy, praying remuneration for expenses incurred in defending himself in a suit brought against him for having caused William Walker and his followers to leave San Juan, in Nicaragua, reported a joint resolution (S. No. 68) for the relief of Captain Hiram Paulding, United States Navy; which was read, and passed to a second reading.

He also, from the same committee, to whom was referred the bill (H. R. No. 586) for the relief of the legal representatives of Frederick F. Brose, deceased, reported it with amendments; and submitted a report, which was ordered to be printed.

W. H. SMILEY.

Mr. MASON. The Committee on Foreign Relations have instructed me to report a joint resolution (S. No. 67) authorizing W. H. Smiley, United States commercial agent at the Falkland Islands, to receive a telescope tendered to him by the Belgian Government. It is a compliment to him for great perils incurred on his part in rescuing a seaman. I hope it will be put on its passage.

No objection was made; and the joint resolution (S. No. 67) authorizing W. H. Smiley, United States commercial agent at the Falkland Islands, to receive a telescope tendered to him by the Belgian Government, was read a first and second time, and considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JEAN A. B. DAUTERIVE.

Mr. CRITTENDEN. Mr. President, after repeated disappointments, I move the Senate again to take up the bill which some time ago passed the other House, for the relief of the heirs and legal representatives of Jean A. B. Dauterive.

Mr. FOSTER. I have petitions to present.

Mr. CRITTENDEN. I only wish to make a single remark, if I am in order, upon the motion which I have made to take up this bill. It has been several times, as many as three or four times, postponed for the convenience of the Senate. It is entitled to be heard. It is an interest very important to the individuals concerned; and I hope the Senate will find it convenient now to take it up. I do not think it will occupy a long time. I shall not ask more than ten minutes to explain this bill.

The VICE PRESIDENT. The Senator from Kentucky moves to take up the bill (H. R. No. 583) for the relief of the heirs and legal representatives of Jean A. B. Dauterive.

Mr. FOSTER. I have petitions to present; and I supposed it was the understanding that the morning business would be proceeded with in regular order before taking up private bills.

The VICE PRESIDENT. The motion of the Senator from Kentucky, as has been repeatedly decided, is in order, if he insists upon it.

Mr. CRITTENDEN. If I am at liberty to do so, I consent to withdraw the motion to allow the Senator to present his petitions without displacing my own motion.

The VICE PRESIDENT. The order of business being once broken into, the Chair does not know when it will come up again. He suggested that petitions and reports be gone through with; but if Senators make these motions, they must be received. If the motion be withdrawn by the Senator from Kentucky, he can renew it if he should get the floor again. If the Senator from Kentucky withdraws his motion and yields the floor, the Chair will receive petitions.

Mr. CRITTENDEN. I cannot do that, because I am very slow to get the floor, and very seldom obtain it.

The motion being put; there were, on a division —ayes 12, noes 18; no quorum voting.

Mr. BIGLER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. COLLAMER. What is the question?

The VICE PRESIDENT. Will the Senate take up the bill indicated by the Senator from Kentucky?

Mr. COLLAMER. I wish to say, on that motion, that I am well informed that the bill must receive long discussion.

Mr. CLARK. I can repeat the same statement. I have examined the bill, and I am satisfied that it will lead to debate; and it seems to me we had better present our petitions and reports before we take it up.

Mr. CRITTENDEN. If threats of debate can prevent a particular bill, that some gentlemen do not desire to pass, from being taken up, it will never be done. I can hear threats that this is to lead to a long debate. Suppose that should be said about the next bill that may be called up: what then?

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vened at the call of the State of Virginia. I am confident now that that commission, or peace congress, or conference, or whatever you may call it, will not accomplish anything. Indeed, certain facts have fallen under my notice, that cause me to believe that it has been the fixed purpose of certain Republicans that that conference should not accomplish anything. I believe, sir, that certain commissioners from States of this Union have been brought into that conference for the purpose of preventing them from agreeing on anything. I have thought that for some time past. A friend sent to me yesterday the Detroit Free Press, containing two letters from the distinguished Senators from the State of Michigan to their Governor, which, I think, clearly and fully establish the fact that the Republicans, a portion of them at least, instead of sending commissioners to that conference with a view to inaugurate something that would compromise the difficulties by which we are surrounded, and save this country from ruin, have absolutely been engaged in the work of sending delegates there to prevent that commission from doing anything. I send this paper to the desk, and ask the Secretary to read these letters.

The Secretary read as follows:

WASHINGTON, *February* 15, 1861.

DEAR SIR: When Virginia proposed a convention in Washington, in reference to the disturbed condition of the country, I regarded it as another effort to debauch the public mind, and a step towards obtaining that concession which the imperious slave power so insolently demands. I have no doubt at present but that was the design. I was therefore pleased that the Legislature of Michigan was not disposed to put herself in a position to be controlled by such influences.

The convention has met here, and within a few days the aspect of things has materially changed. Every free State, I think, except Michigan and Wisconsin, is represented; and we have been assured by friends upon whom we can rely, that if those two States should send delegations of true, unflinching men, there would probably be a majority in favor of the Constitution as it is, who would frown down rebellion by the enforcement of laws. These friends have urged us to recommend the appointment of delegates from our State; and, in compliance with their request, Mr. CHANDLER and myself telegraphed to you last night. It cannot be doubted that the recommendations of this convention will have a very considerable influence upon the public mind, and upon the action of Congress.

I have a great disinclination to any interference with what should properly be submitted to the wisdom and discretion of the Legislature, in which I place great reliance; but I hope I shall be pardoned for suggesting that it may be justifiable and proper, by any honorable means, to avert the lasting disgrace which will attach to a free people who, by the peaceful exercise of the ballot, have just released themselves from the tyranny of slavery, if they should now succumb to treasonable threats, and again submit to a degrading thraldom. If it should be deemed proper to send delegates, I think, if they could be here by the 20th, it would be in time.

I have the honor, with much respect, to be truly yours,

K. S. BINGHAM.

To His Excellency GOVERNOR BLAIR.

Mr. FESSENDEN. I submit whether it is in order to go into a discussion on this motion. If so, I suppose this must be regarded as part of the speech.

The PRESIDING OFFICER. The Chair understood the discussion to be in order. It was certainly not objected to at the time the Senator commenced.

Mr. FESSENDEN. It is not too late to raise the point.

The PRESIDING OFFICER. The motion is to lay aside one bill and take up other business; and the Chair understood the Senator from Kentucky to be giving his reasons why he wished that to be done.

Mr. FESSENDEN. If it is in order, of course I cannot object to it; but I raise that question.

The PRESIDING OFFICER. The Senator from Maine raises the question whether this debate is in order.

Mr. POWELL. There was no objection to my proceeding, and I suppose I have a right to go on. I wish the letters read as part of my speech.

Mr. FESSENDEN. There is no objection to reading them.

The PRESIDING OFFICER. The Chair has decided that the Senator from Kentucky is in order.

Mr. POWELL. I have not yielded, except for the purpose of reading these letters.

The PRESIDING OFFICER. Is an appeal taken from the decision of the Chair?

Mr. FESSENDEN. I take no appeal.

The Secretary read as follows:

WASHINGTON, *February* 11, 1861.

MY DEAR GOVERNOR: Governor BINGHAM and myself telegraphed you on Saturday, at the request of Massachusetts and New York, to send delegates to the peace or compromise Congress. They admit that we were right and that they were wrong; that no Republican State should have sent delegates; but they are here and cannot get away. Ohio, Indiana, and Rhode Island are caving in, and there is danger of Illinois; and now they beg us, for God's sake, to come to their rescue, and save the Republican party from rupture. I hope you will send *stiff-backed* men or none. The whole thing was gotten up against my judgment and advice, and will end in thin smoke. Still, I hope as a matter of courtesy to some of our erring brethren, that you will send the delegates.

Truly your friend, Z. CHANDLER.

His Excellency AUSTIN BLAIR.

P. S. Some of the manufacturing States think that a fight would be awful. Without a little blood-letting this Union will not, in my estimation, be worth a rush.

Mr. POWELL. I think it evident from these letters, that there is, and has been, a fixed purpose in certain quarters, that the peace conference should do nothing. Indeed, it seems from the letter of the Senator from Michigan [Mr. CHANDLER] that, while he opposed any Republican State going into this conference, yet, as some of them were there, and Indiana and Illinois and Ohio and Rhode Island were about to cave in, on the advice of Massachusetts and New York he asked Michigan to come in, and relieve them, and save the Republican party from rupture. Is it possible that the Republican party is to be saved, even if the Union be destroyed? It is very evident that those "stiff-backed" gentlemen were to be sent here in order to prevent any compromise being presented. The object, then, as I stated, on the part of certain members on the other side of the Chamber, has been to send delegates to the conference for the purpose of preventing any compromise measures being proposed by that body. They desire, in the language of these letters, to save their party from destruction. They say that if the conference should agree on anything, it would have a demoralizing effect upon the people, and upon the two Houses of Congress. In one word, it will have the effect to make a rupture in the Republican party, which, in the estimation of the Senators, is higher, holier, and better, it seems, than the Union.

In consequence of this fact being apparent, that it is not the design or the intention that the peace conference should do anything, I think we should not wait for it any longer, but the Senate should proceed at once to the consideration of the amendments to the Constitution proposed by my colleague. I think we had better be engaged in that work—one that is calculated, if the proposition of my colleague should pass, in my opinion, to save the country from further disintegration. I think we had better be at that, than be appropriating money to support an Army that is to be engaged, it seems, in the work of blood-letting. The Senator from Michigan thinks the Government is not worth a rush, until it shall have drawn a little blood. I hope my motion will prevail, and that we shall lay this bill aside and proceed to the consideration of the measures proposed by my colleague.

Mr. CHANDLER. The Senator from Kentucky has read what purports to be a short note that I sent the other day to the Governor of Michigan. Whether it is a correct copy or not, I cannot say; I kept no copy of it, nor do I care.

Mr. POWELL. If the Senator will allow me one word, I will state to the Senate that, when I received this paper, yesterday——

Mr. CHANDLER. I was about to state that.

Mr. POWELL. I asked both the Senators if the letters were right. They told me they kept no copies, but they believed they were substantially so.

Mr. CHANDLER. I was going to say that. Now, sir, I desire to answer the Senator from Kentucky, and to set myself right on this question—(my position from the first has been well known upon this question, and upon most others)—but, at the earnest solicitation of the Senator from Maine, who has charge of this bill, I will forego the response which I intended to make, and which I shall make to the Senator from Kentucky, for the present, for the purpose of going on and disposing of the Army appropriation bill. At another day I propose to give my views more at large upon these compromise measures, that the Senator from Kentucky seems so anxious to take up at this time. I am as anxious as he is to go into that discussion. I am anxious to go into it. It is a question that ought to be discussed. It is a question in which the people of Michigan take a deep interest. They are opposed to all compromises; they do not believe that any compromise is necessary; nor do I. They are prepared to stand by the Constitution of the United States as it is; to stand by the Government as it is; ay, sir, to stand by it to blood, if necessary.

Mr. POWELL. I ask for the yeas and nays on my motion.

The yeas and nays were ordered.

Mr. MASON. I ask the general permission of the Senate to give notice that at three o'clock I shall move to go into executive session; and if it is not agreed to, I shall then ask that the galleries may be cleared, for the purpose of disclosing what I consider ought to be passed on in executive session.

Mr. JOHNSON, of Tennessee. If I can obtain the attention of the Senator from Kentucky, I wish to make a suggestion. Those resolutions, as I understood, went over until last Monday at one o'clock, and were then to be taken up and considered. I do not know whether the motion was made in that way, or whether it was an informal understanding that they should be taken up last Monday for consideration; but as the Army bill is now under consideration, and the time is growing short, would it not be better to have a night session, and postpone the subject until seven o'clock this evening, and let it be taken up at that time; and then let this other bill go on to-day. Those who want to make speeches on those resolutions could do it to-night; we should thus save time and expedite business.

Mr. FESSENDEN. I think the Senator from Virginia has given an additional very good reason for taking up the Army bill, and going through with it; and not postponing it for speeches at the present time.

The question being taken by yeas and nays, resulted—yeas 17, nays 27; as follows:

YEAS—Messrs. Bayard, Bigler, Bragg, Bright, Clingman, Douglas, Fitch, Gwin, Hunter, Johnson of Tennessee, Kennedy, Lane, Latham, Mason, Polk, Powell, and Rice—17.

NAYS—Messrs. Anthony, Baker, Bingham, Cameron, Chandler, Clark, Collamer, Dixon, Doolittle, Durkee, Fessenden, Foot, Foster, Grimes, Hale, Harlan, King, Morrill, Pearce, Seward, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, and Wilson—27.

So the motion to postpone the Army bill, in order to take up the resolutions of Mr. CRITTENDEN, was not agreed to.

PATENT LAWS.

A message from the House of Representatives, by Mr. FORNEY, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 10) in addition to an act to promote the progress of the useful arts.

Also, that the House further insisted upon its amendment to the said bill, upon which the committee of conference were unable to agree; asks a conference on the disagreeing votes of the two Houses thereon; and had appointed Mr. SAMUEL S. COX of Ohio, Mr. AUGUSTUS FRANK of New York, and SAMUEL S. BLAIR of Pennsylvania, managers on the part of the House.

Mr. BIGLER, from the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 10) in addition to an act to promote the progress of the useful arts, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (S. No. 10) in addition to an act to promote the progress of the useful arts, having met, after a full and free conference thereon, agreed to report, and do report, as follows:

The House recedes from its fourth amendment, striking out the seventh section of the bill.

The Senate agrees to the seventh amendment of the House, with the following amendment, to wit: Strike out "twenty" in the second line of said seventh amendment, and in lieu thereof insert "fifteen." And in same line, strike out "ten," and in lieu thereof insert "fifteen." In line four of said seventh amendment, strike out "ten," and insert in lieu thereof "twenty."

The Senate recedes from its non-concurrence in the House amendment striking out lines fourteen and fifteen, in section "ten;" and also from its non-concurrence in the House amendment striking out the word "twelve," and inserting the word "ten."

The House recedes from its non-concurrence in the Senate amendment to the eighth amendment of the House, striking out the words "or any new and original design for the printing of woolen, silk, cotton, or other fabrics, or any new."

The House recedes from its non-concurrence in the Senate's amendment to section fourteen, striking out the word "of," and inserting, in lieu thereof, the word "and."

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On the point of difference on the sixteenth section the committee could not agree, and recommend the appointment of another committee of conference on that point.

WILLIAM BIGLER,
HENRY WILSON,
HENRY M. RICE,
Managers on the part of the Senate.
WILLIAM E. NIBLACK,
C. B. HOARD,
ELLIHU B. WASHBURNE,
Managers on the part of the House of Representatives.

Mr. BIGLER. I will state that the fourth amendment of the House, from which the House recede, was to strike out the seventh section. That section authorizes the commissioner to appoint an additional necessary number of examiners, not exceeding four of each class. It will be remembered that, for years past, the commissioner has been in the habit of employing clerks competent to discharge the duties of examiners; and at the close of each session we have paid those clerks as though they were examiners. The object of this section is to overcome that difficulty. The House, after fully understanding what the import of the section was, have agreed to recede. The seventh amendment regulates the fees. There was a difference of opinion as to the fee on the filing of an application. The committee of conference have fixed it at $15, instead of $20, the amount at which the Senate bill originally fixed it. The eighth amendment relates to fees for designs. The Senate agrees to recede from the fourteenth and fifteenth lines of that section, because the fees for designs were regulated in another part of the bill. The ninth amendment relates to fees for copy in the office. The Senate had fixed the rate at 12 cents a hundred words; the House named 10 cents; and we agreed to the amendment. The tenth amendment relates to designs for patterns. The House had amended the bill by putting in an entire new section, providing for patents for designs not only upon statuary and various patterns, but upon fabrics. The Senate was unwilling to agree to so much of the section as related to designs for patterns, regarding it as too complicated. In that amendment of the Senate, the House concurs. The eleventh amendment is merely clerical; striking out the word "of," and inserting the word "and."

The twelfth amendment, upon which the committee could not agree, and on which we ask another committee of conference, relates to the extension of patents. The House inserted a new section providing that a patent should not be renewed where the inventor and his assignees shall have made $100,000 net profit. The Senate amended the section by excluding the assignees. We did that for the reason that there is nothing in the present law, and nothing in the bill which would enable an inventor to get an account rendered from his assignee. The section, as insisted upon by the House, in our judgment, is entirely impracticable. The Department does not require the assignee to render an account. The inventor, in making his application, therefore, would be required to render an account not only as to his own profits, but the profits of the assignee; and he would have no power to compel the assignee to render any account. Therefore, the Senate committee could not agree with the House; and on that section we have differed, and asked for another committee of conference.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

The report was concurred in.

Mr. BIGLER. I move that the Senate insist on its disagreement to the amendment on which the committee were unable to agree, and ask for another conference.

The motion was agreed to; so it was

Resolved, That the Senate insist upon its disagreement to the said amendment, and agree to the further conference asked by the House on the disagreeing votes of the two Houses thereon.

On motion of Mr. BIGLER, the Vice President was authorized to appoint the committee on the part of the Senate; and Mr. DOUGLAS, Mr. CAMERON, and Mr. FITCH, were appointed.

THE TARIFF BILL.

A message from the House of Representatives, by Mr. FORNEY, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 338) to provide for the payment of outstanding Treasury notes, to authorize a loan, to regulate and fix the duties on imports, and for other purposes.

Mr. SIMMONS, from the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 338) to provide for the payment of outstanding Treasury notes, to authorize a loan, to regulate and fix the duties on imports, and for other purposes, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 338) to provide for the payment of outstanding Treasury notes, to authorize a loan, to regulate and fix the duties on imports, and for other purposes, having met, after full and free conference, have agreed to recommend to the respective Houses as follows:

That the Senate agree to the amendment of the House to the Senate's tenth amendment.

J. F. SIMMONS,
WILLIAM BIGLER,
R. M. T. HUNTER,
Managers on the part of the Senate.
JOHN SHERMAN,
JOHN S. PHELPS,
J. K. MOORHEAD,
Managers on the part of the House of Representatives.

Mr. SIMMONS. The amendment of the House to that section was simply to strike out the duty on tea and coffee. I move that the Senate concur in the report of the committee.

The Secretary read the amendment of the House, to strike out the second clause of the tenth amendment of the Senate, in the following words:

"*Second.* On coffee, 1½ cent per pound; on tea, when imported from any port or place beyond the Cape of Good Hope, 4 cents per pound; when imported from any port or place this side of the Cape of Good Hope, other than in the country where produced, 4 cents per pound, and an addition thereto of 10 per centum *ad valorem: Provided*, That whenever the Treasury notes and bonds of the United States which have been, or shall be, issued under the authority of any laws or parts of laws passed between the 4th day of March, A. D. 1857, and the 4th day of March, A. D. 1861, shall be redeemed and paid, the President of the United States is hereby authorized to make proclamation that the aforesaid articles of tea and coffee may be imported into the United States exempt and free from the specific duties herein imposed: *Provided*, That the duties on tea and coffee hereby imposed shall cease from and after the 30th of June, 1863."

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

The report was concurred in.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker had signed the following enrolled bills; which thereupon received the signature of the Vice President:

A bill (S. No. 366) to provide a temporary government for the Territory of Colorado;

A bill (H. R. No. 714) establishing certain post routes; and

A bill (H. R. No. 864) making appropriations for the consular and diplomatic expenses of the Government for the year ending June 30, 1862.

PRINTING OF DOCUMENTS.

The message further announced that the House had ordered the printing of the following documents:

A letter from the Postmaster General, communicating a copy of offers, &c., for carrying the mails—ordered on the 26th instant.

A letter from the secretary of the Smithsonian Institution, communicating his annual report—ordered February 27, 1861, at eleven o'clock and twenty minutes.

ARMY APPROPRIATION BILL.

The Senate resumed the consideration of the bill (H. R. No. 899) making appropriations for the support of the Army for the year ending June 30, 1862.

The PRESIDING OFFICER. The question now is on concurring in the amendments of the Senate adopted as in committee. The Chair again asks if the vote of the Senate shall be put on all the amendments in the aggregate, or separately?

Mr. PEARCE. In the aggregate, excepting, however, from the mass of amendments, those to which gentlemen may object.

The PRESIDING OFFICER. Senators will indicate what particular amendments they desire excepted.

Mr. PEARCE. I wish to have excepted the amendment offered by the Senator from Oregon, [Mr. BAKER.] It is an amendment appropriating $50,000 for the protection of emigrants to Oregon.

The PRESIDING OFFICER. Is a separate vote demanded on any other amendment?

Mr. GRIMES. I except the amendment which proposes an appropriation of $75,000 for the commencement of a fortification at Sandy Hook.

Mr. LANE. I do not rise to discuss that at all. I desire to say to the Senator that it is not to commence a fortification.

Mr. GRIMES. It is not?

Mr. LANE. No, sir; it is to go on with the work on a fortification already commenced.

Mr. FESSENDEN. Oh, no.

Mr. LANE. Yes, sir. I will send for the report; and I will show the Senator that I am right.

Mr. GRIMES. My exception is based upon the fact that it is the commencement of a work.

Mr. LANE. The Senator is mistaken.

Mr. GRIMES. Well, I will make the exception; and if I am mistaken, it can be shown before the vote is taken.

The PRESIDING OFFICER. The amendment indicated by the Senator from Iowa will be excepted from the general vote. The question is on agreeing to the other amendments adopted by the Senate as in Committee of the Whole, which have not been excepted.

The amendments were concurred in

The PRESIDING OFFICER. The vote will now be taken on concurring in the amendment excepted by the Senator from Iowa, to insert, after line two hundred and forty-nine, the following:

Fort at Sandy Hook, New Jersey, $75,000.

Mr. GRIMES. Mr. President——

Mr. LANE. I have just sent to the committee-room, and if the Senator will wait a moment, he will have an opportunity to hear the report. I desire to show that I am not mistaken in my statement that a very large amount of work has been done at that fortification; and that they say, with a certain appropriation now asked for, guns could be mounted at the fortification.

Mr. PEARCE. I will state that under a misapprehension yesterday, that the Senator was speaking of the fort at Willet's Point, I stated there had been no commencement of it; that is, at Willet's Point; but there has been a commencement at Sandy Hook, I believe; though I think it has not progressed very far.

Mr. LANE. It has progressed so far that they say they can soon mount some guns.

Mr. GRIMES. I reserved this appropriation under what I suppose is a misapprehension of facts. It was stated here yesterday that there had been no commencement made; that no estimate had been made; and I did not believe this was the time, although I do not doubt that a fortification is needed there, and a very extensive one, and a very expensive one, and, at the proper time, shall be willing to vote money for the commencement of it; but——

Mr. LANE. The Senator will allow me to interrupt him, in order to read from the report of the chief engineer:

"*Fort at Sandy Hook, New Jersey, in charge of Captain H. W. Benham.*—The work executed during the past fiscal year, comprised the foundations of the north, and half of the east front, (about four hundred and seventy lineal feet,) and the construction of the scarp-wall and attached piers to the height of four courses, or nearly eleven feet from the bottom of the foundations."

Mr. GRIMES. Is that this fort?

Mr. LANE. Yes, sir.

Mr. GRIMES. Then I withdraw the objection.

Mr. LANE. I could go on, and show that they are ready to mount guns, as I have stated.

The amendment was concurred in.

The Secretary read the following amendment; to insert, as an additional section:

And be it further enacted, That for the protection of emigrants on the overland routes, between the Atlantic slope and the Oregon and Washington frontier, the sum of $50,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, if, in his judgment, the same may be necessary.

Mr. PEARCE. It is very obvious that, though the sum mentioned in this appropriation is specific, the purposes to which it is to be applied are exceedingly vague and indefinite. The money is to be applied for the protection of emigrants on the plains over to Oregon; but in what manner to be expended, to what particular purposes to be applied, it is just as impossible for the Senate to

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X re S.10 and Patent Law

THE CONGRESSIONAL GLOBE:

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CONTAINING

THE DEBATES AND PROCEEDINGS

OF THE

SECOND SESSION OF THE THIRTY-SIXTH CONGRESS:

ALSO, OF THE

SPECIAL SESSION OF THE SENATE.

BY JOHN C. RIVES.

CITY OF WASHINGTON:
PRINTED AT THE CONGRESSIONAL GLOBE OFFICE.
1861.

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Mr. JOHN COCHRANE. I move that the House adjourn.

Mr. PHELPS called for tellers upon the motion.

Tellers were ordered; and Messrs. PHELPS and STANTON appointed.

The House divided; and the tellers reported—ayes 57, noes 52.

Mr. STANTON called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 77, nays 69; as follows:

YEAS—Messrs. Green Adams, Adrain, William C. Anderson, Avery, Barret, Bocock, Boteler, Brabson, Bristow, Brown, Buffinton, Burch, Carey, Case, Horace F. Clark, John B. Clark, John Cochrane, James Craig, Burton Craige, John G. Davis, Edgerton, Etheridge, Florence, Fouke, Gilmer, Gooch, Hale, Hamilton, J. Morrison Harris, John T. Harris, Haskin, Hatton, Hickman, Holman, William Howard, William Kellogg, Kenyon, Larrabee, James M. Leach, Leake, Logan, Lovejoy, Mallory, Marston, Charles D. Martin, Elbert S. Martin, Maynard, McClernand, McKenty, Millson, Laban T. Moore, Moorhead, Edward Joy Morris, Nelson, Niblack, Pendleton, Peyton, Phelps, Potter, Quarles, Riggs, James C. Robinson, Sickles, Simms, William N. H. Smith, Stevenson, Stokes, Thomas, Vance, Vandever, Wade, Waldron, Cadwalader C. Washburn, Elihu B. Washburne, Webster, Windom, and Wright—77.

NAYS—Messrs. Charles F. Adams, Aldrich, Ashley, Barr, Bingham, Blair, Blake, Brayton, Briggs, Campbell, Carter, Coburn, Colfax, Conway, Covode, Curtis, Dawes, De Jarnette, Delano, Duell, Dunn, Edwards, Eliot, Ely, Fenton, Ferry, Foster, Frank, Graham, Grow, Gurley, William A. Howard, Hughes, Hutchins, Irvine, Francis W. Kellogg, Loomis, McKean, McKnight, McPherson, Millward, Morrill, Palmer, Perry, Porter, Pottle, Christopher Robinson, Royce, Ruffin, Somes, Spinner, Stanton, William Stewart, Tompkins, Train, Van Wyck, Walton, Wells, Wilson, and Woodruff—60.

So the motion was agreed to; and thereupon (at ten o'clock and fifteen minutes, p. m.) the House adjourned.

IN SENATE.

SATURDAY, *March* 2, 1861.

Prayer by the Chaplain, Rev. Dr. GURLEY.

Mr. FITCH. I move to dispense with the reading of the Journal, that reports may be made; this being the last opportunity the committees will have to do so.

The reading of the Journal was dispensed with by unanimous consent.

CREDENTIALS.

Mr. FOOT presented the credentials of Hon. JACOB COLLAMER, elected a Senator by the Legislature of the State of Vermont, for the term of six years, commencing on the 4th day of March, 1861; which were read, and ordered to be filed.

ARMY APPROPRIATION BILL.

On motion of Mr. FESSENDEN, it was

Resolved, That the Senate insist on their amendments to the bill of the House of Representatives (H. R. No. 899) making appropriations for the support of the Army for the year ending June 30, 1862, non-concurred in by that House, and disagree to the amendments of the House of Representatives to the thirtieth and thirty-fourth amendments of the Senate to the said bill, and ask a conference on the disagreeing votes of the two Houses on the said bill.

On motion of Mr. FESSENDEN, the Vice President was authorized to appoint the committee; and Mr. FESSENDEN, Mr. LATHAM, and Mr. BRAGG, were appointed.

INDIAN APPROPRIATION BILL.

Mr. PEARCE, from the committee of conference on the disagreeing vote of the House of Representatives to the bill (H. R. No. 865) making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1862, submitted the following report.

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 865) making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1862, having met, after full and free conference, have agreed to recommend to their respective Houses, as follows:

That the House recede from its disagreement to the Senate's eighteenth amendment: add at the end of the amendment the following words: "or so much thereof as may be necessary for the expenses actually incurred."

That the House recede from its disagreement to the Senate's twenty-first amendment, and agree to the same with the following amendment: strike out the whole of said twenty-first amendment, and in lieu thereof insert the following: "That the salary of the agent for the Wichitas and other Indians in the country leased by the Choctaws to the United States shall be $1,500 per annum, from and after the 1st day of July, 1860."

That the Senate concur in the amendment of the House, to the seventh amendment of the Senate.

That the Senate recede from its amendments numbered three and twenty.

That the House recede from its disagreement to the amendments of the Senate, numbered four, nineteen, five, and six, and concur in said amendments.

J. A. PEARCE,
L. W. POWELL,
DANIEL CLARK,
Managers on the part of the Senate.
EMERSON ETHERIDGE,
J. H. GRAHAM.

I dissent, JOHN S. PHELPS.

Mr. PEARCE. I will make any explanations in regard to these amendments, which may be desired; otherwise, I shall not trouble the Senate.

The report was concurred in.

PETITIONS AND MEMORIALS.

Mr. KING presented a memorial of citizens of Albany, New York, praying Congress to support the Constitution and laws, and maintain the integrity of the Union; which was ordered to lie on the table.

He also presented a memorial of the German Republican citizens of Williamsburg, New York, asking Congress to support the Constitution, and make no compromises; which was ordered to lie on the table.

He also presented a petition of citizens of Oswego county, New York, in favor of the Union, the Constitution, and the enforcement of the laws; which was ordered to lie on the table.

He also presented a petition of inhabitants of New York, praying for the enforcement of all constitutional laws in all the States; which was ordered to lie on the table.

He also presented the memorial of D. J. Churchill and others, of Herkimer county, New York, against hasty and inconsiderate action by Congress; which was ordered to lie on the table.

He also presented a petition of citizens of Oswego county, New York, asking Congress to stand by the Constitution and the Government, and to make no compromise whatever; which was ordered to lie on the table.

He also presented a memorial of citizens of Bucks county, Pennsylvania, for the Union, the Constitution, and the laws; which was ordered to lie on the table.

He also presented a petition from citizens of the United States, praying for the improvement of the water channel between the head of Lake Michigan and the Mississippi river; which was ordered to lie on the table.

He also presented the petition of Elisha Holton, and others, of Steuben county, New York, praying for the enactment of a law authorizing the slave States peaceably to secede; which was ordered to lie on the table.

He also presented a petition of citizens of Oswego county, New York, asking that no law shall be passed to authorize slavery north or south of the old Missouri compromise line; which was ordered to lie on the table.

He also presented a petition of inhabitants of New York, praying the enforcement of all constitutional laws in all the States; which was ordered to lie on the table.

Mr. SUMNER presented a petition of citizens of Ballardville, Massachusetts, in favor of the Union, the Constitution as it is, and the enforcement of the laws—believing that the laws should be obeyed, rather than amended; which was ordered to lie on the table.

Mr. WILKINSON presented a petition of citizens of Wabashaw, Minnesota, in favor of the Constitution as it is, and opposed to any compromise whatever; which was ordered to lie on the table.

He also presented a memorial of citizens of Minnesota, remonstrating against the enactment of any law, or the adoption of any proposition to amend the Constitution, which has in view the extension of slavery; which was ordered to lie on the table.

Mr. CAMERON presented a memorial of citizens of Alleghany county, Pennsylvania, in favor of the Union, the Constitution as it is, and the enforcement of the laws; which was ordered to lie on the table.

EXECUTIVE COMMUNICATIONS.

The VICE PRESIDENT laid before the Senate a letter of the Secretary of the Navy, accompanied by one hundred copies of the Navy Register for the current year, for the use of the Senate; which was ordered to lie on the table.

He also laid before the Senate the report of the Secretary of War, communicating, in obedience to law, a list of clerks and other civil officers employed in the Department during the year 1860; which, on motion of Mr. FITCH, was ordered to lie on the table, and be printed.

He also laid before the Senate a message from the President of the United States, communicating, in compliance with a resolution of the Senate, information relating to the extradition of one Anderson, a man of color.

Mr. FITCH. I move the reference of the papers to the Committee on Foreign Relations.

Mr. POLK. And that they be printed.

The message was referred to the Committee on Foreign Relations, and ordered to be printed.

CAPTAIN SIMPSON'S REPORT.

Mr. FITCH. The Committee on Printing, to whom was referred a motion of the Senator from California [Mr. LATHAM] in relation to printing extra copies of Captain Simpson's report of his explorations across the Great Basin of Utah Territory, for a wagon route from Camp Floyd to Genoa, in Carson Valley, have directed me to report a resolution, and ask for its adoption:

Ordered, That the report of the Secretary of War, communicating the report of Captain Simpson of his explorations across the Great Basin of Utah Territory, called for by the resolution of the Senate of 30th January, 1861, be printed; and that four thousand additional copies be printed, three thousand for the use of the Senate, and one thousand for the War Department.

Mr. CLINGMAN. I inquire what will be the probable cost of this publication. I am thoroughly opposed to the Pacific railroad reports, and other books which we have printed and circulated at immense expense; and I want to know what the cost of this will be.

Mr. FITCH. The Senator cannot be more opposed to them than I am; but the urgency of the Senators from California and Oregon, and the West generally, in favor of printing this report, induced the committee to recommend its printing. I believe it should be printed. I understand that it is a survey of a route across the Great Basin, by which the distance is shortened several hundred miles. The cost, of course, will be considerable, but not very much upon four thousand copies. It cannot be very high.

Mr. CLINGMAN. Will the Senator accept an amendment that the whole expenditure shall not exceed $10,000; or $5,000, perhaps, would be better. I move to amend, by saying that it shall not exceed $5,000.

Mr. FITCH. I presume the amendment of the Senator would defeat the publication. It is very easy for him to call for the reading of the estimate which accompanies the report, of course. My impression is that the estimate for five thousand extra copies is somewhere near twenty thousand dollars.

Mr. CLINGMAN. I ask that the estimate of the Superintendent of Public Printing may be read.

The Secretary read it, as follows:

OFFICE SUPERINTENDENT PUBLIC PRINTING,
WASHINGTON, *February* 12, 1861.

SIR: The following is the estimated cost of printing and binding, in quarto form, Captain Simpson's report of his explorations across the Great Basin of Utah Territory, for a wagon route from Camp Floyd to Genoa, in Carson valley, namely:

For the usual number alone, (1,550 copies,).....	$10,016
For " " " and 5,000 extra copies.....	25,221
For " " " " 10,000 " "	40,426

And $3,041 for each 1,000 extra copies thereafter.

Very respectfully,

JOHN HEART, *Superintendent.*

Hon. G. N. FITCH, *Chairman Committee on Printing, Senate United States.*

In the above, the estimated cost of preparing the engravings and printing the usual number (1,550 copies) of them, is $5,189, and for each additional thousand copies, $880.

Mr. CLINGMAN. Is it in order to consider this report to-day if objection be made?

The PRESIDING OFFICER, (Mr. BIGLER in the chair.) The resolution will have to lie over if it be objected to.

Mr. CLINGMAN. Then I insist that it shall lie over. I am utterly opposed to the system.

AVES ISLANDS.

Mr. FITCH, from the Committee on Printing, to whom was referred a motion to print extra

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Secretary of the Treasury, in bonds of the United States, authorized by law at the present session of Congress.

G. E. PUGH,
A. O. P. NICHOLSON,
J. R. DOOLITTLE,
Managers on the part of the Senate.
WILLIAM A. HOWARD,
JUSTIN S. MORRILL,
J. W. STEVENSON,
Managers on the part of the House of Representatives.

Mr. PUGH. I move that the Senate concur in the report of this committee of conference and in the report of the former committee, as thus amended. If any explanations are necessary, I will give them; otherwise, I shall not detain the Senate.

The motion was agreed to.

PATENT LAWS.

Mr. DOUGLAS, from the second committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (S. No. 10) in addition to "An act to promote the progress of the useful arts," submitted the following report:

The committee of conference on the disagreeing votes of the two Houses, on the amendments to the bill (S. No. 10) in addition to "An act to promote the progress of the useful arts," having met, and after a full and free conference thereon, agreed to report, and do report, as follows:

To strike out all after the word "that," in the sixteenth section, and insert the following: "All patents hereafter granted shall remain in force for the term of seventeen years from the date of issue; and all extension of such patents is hereby prohibited."

S. A. DOUGLAS,
G. N. FITCH,
Managers on the part of the Senate.
S. S. COX,
AUGUSTUS FRANK,
THOMAS J. BARR,
Managers on the part of the House of Representatives.

The report was concurred in.

SUNDAY SESSION.

Mr. BRIGHT. I move to suspend the present order of business, for the purpose of proceeding to the consideration of executive business.

The PRESIDING OFFICER. The Chair must first put the question on the motion of the Senator from Kentucky.

Mr. SIMMONS. Will the Senator from Kentucky allow me to have a correction made of some clerical mistake in a bill? I want to have corrected a few clerical errors in the tariff bill, and I desire to present a joint resolution for that purpose.

Mr. HUNTER. I should like to know what they are, before it is introduced. I do not agree yet; let it be read.

The PRESIDING OFFICER. Does the Senator from Kentucky yield?

Mr. CRITTENDEN. My motion will take but a minute. There is nothing to be said about it. I move that when the Senate adjourn, it be to meet at eleven o'clock to-morrow, the 3d of March.

Mr. FESSENDEN. I doubt very much the propriety or good taste of doing that. We have been indulged by the country repeatedly in extending our sitting of Saturday, when Sunday was the last day of the session, until noon on Sunday; and that has been excused in consideration of the pressing nature of the business, and the fact that we had not finished it. If, however, we should adjourn at the present time, or very soon, after working here in the afternoon, deliberately over until Sunday, and, after spending the intervening time, or as much of the time as we deem proper, in sleep and refreshment, come here to work on that day, I doubt very much whether it would be considered and looked at with favorable eyes by anybody. I am ready to go on now, in order to complete the business of the Senate proper, or to take action on the resolutions to which gentlemen have referred, whatever they may be. I am perfectly willing to sit here so long as Senators deem proper, and to act upon them so far as I am concerned; and if that sitting here carries us into Sunday, very well. We must go on with the business until such time as everybody becomes satisfied that we cannot act to more advantage by remaining. I suggest this to Senators because I believe it to be a matter well worthy of their consideration. I am willing to labor as long as my strength holds out, and to go on with the proper business of the country, whether it is a resolution or anything else; but the idea of our adjourning now at this time, or within an hour or two, when we cannot be exhausted, deliberately over until to-morrow, which is Sunday, I think will be a violation of all precedent. I never heard of such a thing, and I doubt very much whether we could reconcile it to ourselves to do so, on more mature deliberation. I make these suggestions for the consideration of Senators, not that I have any particular wish about the subject, or that I desire to be considered nicer than other people.

Mr. LANE. I have heard the Senator from Maine, and I indorse every word he has said on the subject of adjourning to meet again to-morrow. I am willing myself to sit here until Monday at twelve o'clock, if the business of the country makes it necessary; but I shall never give my vote to adjourn to meet on Sunday. I will give my vote at a proper time to take a recess, to meet on the Sabbath evening, if you please, and have a session until Monday at twelve o'clock; but I trust the Senate will not agree to a deliberate adjournment to meet to-morrow. Why cannot we sit here until we have a vote on anything that my good friend from Kentucky desires? I will say for one Senator, that I will not say one word upon any question; but will stay here with him until we get a vote upon every proposition.

Mr. CRITTENDEN. The rules of the Senate do not permit it; and gentlemen will not dispense with the rules.

Mr. LANE. I trust they will dispense with the rules, so that there can be no obstacle to our remaining and having a vote upon any proposition that it may be necessary to pass; but let us not adjourn until to-morrow.

Mr. BAYARD. If it is in order, I should like to move to amend the motion by inserting "half past twelve o'clock," instead of "eleven o'clock;" and then I will vote for it.

Mr. CRITTENDEN. I agree to that. I accept that modification.

The PRESIDING OFFICER. It is moved that when the Senate adjourn, it adjourn to meet to-morrow, the 3d of March, at half past twelve o'clock.

Mr. HARLAN. I want to record my vote against the motion; and hence I ask for the yeas and nays.

Mr. CLARK. Is the motion in order at this time?

The PRESIDING OFFICER. It is.

Mr. CLARK. What has become of the peace propositions which were before the Senate when the order of the Senate was made to clear the galleries? No motion has been made to suspend them. It must be by unanimous consent.

The PRESIDING OFFICER. No objection was made, and it is too late now to make it.

Mr. DOUGLAS. We have done half a dozen things since.

The yeas and nays were ordered.

Mr. KENNEDY. Before the question is put, I should like know if the motion I made a short time ago is not in order. If the motion to adjourn now shall carry, I think it all important, if we meet to-morrow, that we sit with closed doors.

The PRESIDING OFFICER. The Senator can make that motion. That is a distinct question.

Mr. CRITTENDEN. It is evident if we do not adjourn to-morrow, and have a session to-morrow, we cannot act on the resolution which the House of Representatives have sent us, and which they suppose will quiet the country, and prevent the further spread of insurrection and secession.

Mr. HARLAN. I desire to make one remark only. I recognize the principle that the Senator from Kentucky has mentioned. If a necessity should arise which will crowd us on to the hours of Sabbath in order to transact the public business, I am willing to be here and aid in its transaction, so far as my vote is concerned; but that necessity has not arisen. We are here in the Chamber a few minutes after six o'clock on Saturday evening. It will be time enough to agree to meet on the hours of the Sabbath after the necessity shall have arisen. In the course of the next six hours, the condition of our business may be materially changed.

Mr. CRITTENDEN. Have you not already decided that the House joint resolution shall not be considered until to-morrow? You have claimed that it shall be read on three separate days. To-morrow must be one of the days, and you object to sitting then.

Mr. KING. The Sabbath is no day in law for business, and I hope the Senate will not proceed in open violation of the Sabbath.

Mr. CRITTENDEN. The meaning of all this is, that the Senate shall not have the responsibility of voting on that resolution. There are many Senators here who voted to-day for the second reading of the resolution; and many Senators who are here now have made it necessary to sit to-morrow; they have erected a perfect security to themselves against being called upon to take the responsibility of voting on it. That is the meaning of it; and the honorable Senator from New York, I have no doubt, in his usual candor, will avow that that is the object.

Mr. KING. I think there is no business that we need do to-morrow. I voted against the second reading of the resolution referred to by the Senator, and I shall vote against the third reading; but I do not look upon these little matters as things calculated to save this Union.

Mr. CRITTENDEN. Very little matters! very small matters, Mr. President!

Mr. KING. The Union rests in the affections and the hearts of the people. That is its security. I will not violate the Sabbath.

Mr. CRITTENDEN. Violate the Sabbath! You are keeping the Sabbath holy, holier than you have kept any day in the week, by serving your country on that day, endeavoring to save it from bloodshed and ruin. That is the question, whether you will keep a nominal observance of the Sabbath which may produce all these things. I do not say you design them, gentlemen, but there are many of us who do think that that may be the consequence.

Mr. HARLAN. If I am correctly informed as to the condition of the business before the Senate, the Senator from Kentucky is slightly in error. I understood the Senator from Pennsylvania [Mr. BIGLER] to have introduced a resolution, some days since, to suspend the rule which is in the way of the transaction of the business that the Senator from Kentucky refers to. Now, I suppose that a majority of the Senate is competent to suspend the rule, if it becomes necessary. I will say frankly to the Senator from Kentucky that I have no such purpose as that to which he has alluded. I am prepared to vote on the proposition which he is so anxious to pass, and to record my vote; and I believe it is true of the majority, at least, if not all of those around me. I will say further, that I am prepared to vote for one of the resolutions which will effect much that the Senator from Kentucky desires.

Mr. CRITTENDEN. We cannot do it to-day.

Mr. HARLAN. By taking up and acting on the resolution which the Senator from Pennsylvania has already introduced, I think we may do so.

Mr. CRITTENDEN. If you will vote for it.

Mr. FESSENDEN. I wish to make another suggestion. I do not see the necessity of this. Suppose we keep on with public business, as we are doing, until after the expiration of this day, and then adjourn to meet to-morrow evening, at seven or eight o'clock, after sun down, when the Sabbath has expired: that is coming on to the third day.

The PRESIDING OFFICER, (Mr. FITCH.) Yankee Sabbath.

Mr. FESSENDEN. But it is the third day. I do not suppose the public business will be then closed; but, having spent the day properly—as I suppose all Senators do—we can in the evening go on. As a matter of course, if we adjourn to the evening, it is a separate day; it would be the 3d of March, and to-day is the 2d. I do not see the difficulty that is suggested by Senators.

Mr. BIGLER. I think, from the general disposition now manifested, we can soon vote on my resolution suspending the rule. I confess I am very anxious to get clear of the alternative presented by the Senator from Kentucky. I would rather suspend the rule; and I think that is the disposition of the Senate.

Mr. COLLAMER. It would be much more convenient to meet to-morrow evening, instead of to-morrow morning.

Mr. BRIGHT. I hope the Senate will allow us to vote on the motion of the Senator from Kentucky. Let us dispose of that, and then we can get at other business.

The Secretary proceeded to call the roll upon the motion of Mr. CRITTENDEN.

Mr. DOOLITTLE, (when his name was called.)

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courts of law and equity in the District of Columbia and elsewhere; and to make and have a common seal, and the same to break, alter, and renew at pleasure; to ordain and establish such by-laws, ordinances, and regulations, and generally to do every act and thing necessary to carry into effect this act, or to promote the objects and design of this corporation."

It has been claimed that, under this first section, the city authorities of Washington can regulate the location of such nuisances as are provided for in this bill—for I call a great gas-works a necessary nuisance.

The PRESIDING OFFICER, (Mr. FOSTER in the chair.) Will the Senator suspend his remarks to allow the Chair to receive a message?

Mr. BRIGHT. Certainly.

PATENT LAWS.

A message from the House of Representatives, by Mr. FORNEY, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 10) in addition to "an act to promote the progress of the useful arts."

ENROLLED BILL SIGNED.

The message further announced that the Speaker had signed an enrolled bill (S. No. 303) supplementary to the act entitled "An act to authorize protection to be given to citizens of the United States who may discover deposits of guano," approved August 18, 1856; and it was signed by the Vice President.

NOTIFICATION TO THE PRESIDENT.

The message further announced that the House had passed a resolution for the appointment of a committee on their part, to join such a committee as may be appointed on the part of the Senate, to wait on the President of the United States and inform him that the two Houses of Congress are ready to close the present session by an adjournment; and had appointed Mr. JOHN SHERMAN of Ohio, Mr. THOMAS S. BOCOCK of Virginia, and Mr. EMERSON ETHERIDGE of Tennessee, the committee on the part of the House.

On motion of Mr. BIGLER, the Vice President was authorized to appoint the committee on the part of the Senate; and Mr. RICE and Mr. SIMMONS were appointed.

METROPOLITAN GAS COMPANY.

The PRESIDING OFFICER. The bill (H. R. No. 522) to incorporate the Metropolitan Gas-light Company in the District of Columbia is again before the Senate.

Mr. BRIGHT. The Senator from New Hampshire gave, as a reason for refusing to agree to a reconsideration of the vote passing this bill, that one of the amendments which I propose to offer to prevent the location of a nuisance of this kind was unnecessary, as the city authorities already possessed the power to inhibit its location within certain limits. That question, as I understand, has been decided by the courts of the District, and there is a denial of any such power on the part of the municipal corporation, either of Washington or Georgetown, as has been claimed by the Senator from New Hampshire. The second section of the charter of the existing company provides:

"That the capital stock of this corporation shall not exceed $50,000; that a share in the same shall be twenty dollars; and books of subscription to the said capital stock, or to such portions thereof as from time to time may, by the directors for the time being, be deemed proper and necessary, shall be opened by the appointment or under the direction of the directors hereinafter named, subject to such rules, limitations, and conditions, as by them shall be prescribed; and the stock of the corporation shall be deemed personal property."

The original was $50,000; but as this enterprise developed itself, additional capital has been invested from time to time, until the amount expended, as has been satisfactorily shown, amounts to over six hundred thousand dollars. The third section is merely declaratory as to the election of directors, &c.; and as I only wish to read the important parts of the charter, I will pass that by.

The PRESIDING OFFICER. The Senator will suspend to allow the Chair to receive a message.

Mr. BRIGHT. With pleasure.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. FORNEY, its Clerk, announced that the House had passed the joint resolution of the Senate (No. 72) to correct certain errors in the act entitled "An act to provide for the payment of outstanding Treasury notes, to authorize a loan, to regulate and fix the duty on imports, and for other purposes," approved 2d March, 1861.

ENROLLED BILL SIGNED.

The message further announced that the Speaker had signed an enrolled bill (H. R. No. 203) to enable the trustees of the Bluemont college to preëmpt a certain quarter section of land, and for other purposes; and it was signed by the Vice President.

REPORTS FROM COMMITTEES.

Mr. BRAGG, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 942) for the relief of Sally G. Northup, reported it with an amendment.

He also, from the Committee on Claims, to whom was referred the bill (C. C. No. 94) for the relief of Augustus H. Evans, reported it without amendment.

METROPOLITAN GAS COMPANY.

The PRESIDING OFFICER. The bill H. R. No. 522 is before the Senate.

Mr. BRIGHT. Section four of the charter of the present company provides—

"That John F. Callan, Jacob Bigelow, B. B. French, W. H. Harover, M. P. Callan, and W. A. Bradley, shall be the first directors of the said company, who shall hold their offices until the second Monday of January, in the year of our Lord 1849, and until others are chosen in their places; and they shall proceed to choose their president at such time and place as they, or a majority of them, shall determine."

The fifth section provides—

"That in case it shall at any time happen that an election for directors shall not take place on the day appointed by this act for that purpose, the said corporation shall not for that cause, or for any *non user* be deemed to be dissolved, but it shall and may be lawful to hold an election for directors on any other day, in such manner as shall be provided for by the by-laws of the said corporation."

That is one of the fatal defects, in my judgment, in this bill. Suppose you grant all the franchises claimed by this bill without any limitation affixed as to when they shall be used: are they to be perpetual? There ought to be a point of time named; and it should be declared that if the corporators do not exercise the privileges conferred by the bill within six, twelve, or twenty-four months, they shall be forfeited. My object is not to give to any company perpetual franchises of this kind without their being used. If they are not used by the grantees within a proper time, they ought to expire, and the privileges be granted to some one else.

Furthermore, such an amendment as I now propose is well calculated, as my friend from North Carolina [Mr. BRAGG] suggests, to break down a very pernicious practice that I am told exists even in the District of Columbia—that of levying black mail. I hope there is nothing of that kind intended by the bill of the Senator from New Hampshire.

Mr. CLARK. It must be on the other company; not on this one.

Mr. BRIGHT. The third amendment which I propose, should be adopted; and if it is the pleasure of the Senate to reconsider the vote passing the bill, I hope I shall have the vote even of the Senator from New Hampshire to insert that amendment.

Section seven of the existing charter provides:

"That the president and directors shall have full power and authority to manufacture, make, and sell gas, to be made of coal, oil, tar, peat, pitch, or turpentine, or other material, and to be used for the purpose of lighting the city of Washington, or the streets thereof, and any buildings, manufactories, or houses therein contained and situate, and to lay pipes for the purpose of conducting gas in any of the streets, avenues, and alleys of the said city; and also, that the said company will so conduct the manufactories of gas as not to injure private property or create a nuisance: *Provided, however*, That the said pipes shall be laid subject to such conditions and in compliance with such regulations as the corporation of Washington may, from time to time, prescribe: *And provided, further*, That the right to erect or put up any buildings, works, or apparatus, for the manufacture of gas, shall be subject to such terms, conditions, restrictions, and regulations as the said corporation of Washington may or shall, from time to time, prescribe or direct."

The most dangerous of all kinds of legislation is that which leaves language ambiguous. I remarked, a moment ago, that it had been decided by the courts of the District of Columbia, that the seventh section of this act did not confer authority upon the corporation either of Washington or Georgetown to restrict the limits within which the works should be located. All the power that the corporations of Washington and Georgetown possess is derived directly from grants by Congress, and from no other source. Now, as there has been a clear denial of any such right by the courts of the District of Columbia, it is very important that the amendment which I propose on this point should be incorporated in this bill, and in language so plain and intelligible as not to admit of doubt or misconstruction.

The eighth section of the existing charter provides:

"That if any person or persons shall willfully do, or cause to be done, any act or acts whatever, whereby the works of said corporation, or any pipe, conduit, plug, cock, reservoir, or any engine, machine, or structure, or any matter, or thing, appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured, or destroyed, the person or persons so offending shall forfeit and pay to the said corporation double the amount of the damage sustained by means of such offense or injury, to be recovered in the name of the said corporation, with costs of suit, in any action of debt, to be brought in any court having cognizance thereof."

The ninth section provides:

"That nothing in this act shall be construed to prevent any person or persons, nor any incorporated company hereafter to be created by Congress for that purpose, from engaging in and pursuing the business specified in the seventh section of this act; and that it shall be lawful for Congress at any time hereafter to alter, amend, or repeal this act."

I believe there is no repealing clause in the bill presented by the Senator from New Hampshire.

Mr. CLARK. Yes there is.

Mr. BRIGHT. The tenth section provides:

"That nothing in this act contained shall be construed to authorize the said Washington Gas-light Company to make, issue, or put in circulation any bill, draft, check, order, promissory note, change ticket, or anything else promising or agreeing to pay money, intended to circulate as money, or the tendency of which shall be to circulate as money or currency; and the violation of any one of the provisions of this section shall be a forfeiture of the charter herein granted and a fine of fifty dollars against each of the directors voting for the same."

The eleventh section provides:

"That each of the stockholders in the Washington Gas-light Company shall be held liable in his or her individual capacity for all debts and liabilities of the said company, however contracted or incurred, to be recovered by suit as other debts or liabilities, before the court or tribunal having jurisdiction of the case."

While on this point, I will refer to the difference between the section I have just read in the original charter, and the one in the bill, that has been offered by the Senator from New Hampshire. He insisted in his opening remarks, that section eleven, of the bill under consideration, was precisely in the language of the section upon the same subject in the original charter. Now, mark the difference:

SEC. 11. *And be it further enacted*, That each of the stockholders in the Metropolitan Gas-Light Company shall be held liable in his or her individual capacity to the amount of their individual stock.

There the liability ceases. The charter of the company that I have spoken of, says they shall be held liable in their individual capacity, for all of the debts and liabilities of the company however contracted or incurred. There is a marked difference between the two provisions. In this instance the liability is limited to the extent of their stock, and that stock is to be held by irresponsible corporators. The corporators named in the act of 1848, are responsible men, admitted, known to be such throughout this community.

The PRESIDING OFFICER. The Senator will give way to allow a message to be received.

A MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. FORNEY, its Clerk, announced that the House had passed the bill of the Senate (No. 215) to amend the provisions of the fifty-sixth section of "An act to regulate the collection of duties on imports and tonnage," approved 2d March, 1799.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker had signed the following enrolled bills and joint resolutions; which thereupon received the signature of the Vice President:

A bill (S. No. 215) to amend the provisions of the fifty-sixth section of an act to regulate the collection of duties on imports and tonnage, approved 2d March, 1799;

A bill (S. No. 10) in addition to "An act to promote the progress of the useful arts;" and

A joint resolution (S. No. 72) to correct certain

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quite sure that if the honorable Senator had heard me he would have been satisfied that this is far from a perfect bill. I am struggling to add three amendments; one containing the individual-liability clause, as it is termed, something valuable in Democratic parlance—and the Senator once belonged to that party, and knows with what tenacity he adhered to whatever was regarded a fundamental principle of it. Again, I wish to make the language of one of the sections so clear as to leave no room for doubt as to the denial of anything like power on the part of this company to issue bank paper, and to make quite clear the power of the courts in the District of Columbia to decide between the city authorities and the corporators in cases of nuisances, which I have stated is not now clear. The next amendment, I will say, for the benefit of the Senator from New Hampshire, [Mr. HALE,] as he asks me the question, was an amendment which should deny to any set of corporators the right to locate a nuisance of this kind, such as gas works are, within a certain distance of any private property, without the consent of the property-holders.

Mr. HALE. That is right.

Mr. BRIGHT. The Senator from New Hampshire says it is right. I wish I could get his colleague to say the same thing.

Mr. CLARK. I will say to the Senator that if the old company had located their nuisance, and not suffered it to go around in the various parts of the city, perhaps it would have been an accommodation.

Mr. BRIGHT. The bare fact that there has been complaint, and no doubt just complaint against the present company in that respect, shows the importance of these amendments.

The PRESIDING OFFICER. Will the Senator from Indiana give way to allow a message to be received?

Mr. BRIGHT. Certainly.

BILLS BECOME LAWS.

A message from the President, by Mr. GLOSSBRENNER, his Secretary, announced that the President had, this day, approved and signed the following bills and joint resolution:

An act (S. No. 215) to amend the provisions of the fifty-sixth section of an act to regulate the collection of duties on imports and tonnage, approved March 2, 1799;

A joint resolution (S. No. 72) to correct certain errors in the act entitled "An act to provide for the payment of outstanding Treasury notes, to authorize a loan, to regulate and fix the duties on imports, and for other purposes," approved March 2, 1861; and

An act (S. No. 10) in addition to "An act to promote the progress of the useful arts."

PRIVATE BILLS.

Mr. BRIGHT. We are so near the last hours of the session, that I am very anxious to have the indulgence of the Senate to take up a small private bill, which I have neglected in the hurry of business, to call to the attention of the Senate until this late moment. It is a bill (H. R. No. 465) granting a pension to Mary Shirtcliffe, widow of John Shirtcliffe. It is the only bill of a private character that is applicable to any constituent of mine that I have asked to have considered during the present session. I feel that it is my duty to ask for its consideration now.

The PRESIDING OFFICER. The Senator from Indiana asks unanimous consent to take up for passage the bill indicated by him.

Mr. CLARK. I feel it my duty to keep the bill, which is properly under consideration before the Senate, regularly up, so that the Senator can go on with his speech, and give me an opportunity to say a word if there should be time.

The PRESIDING OFFICER. Objection being made, the motion of the Senator from Indiana cannot be entertained while the bill alluded to by the Senator from New Hampshire is before the Senate.

Mr. CAMERON. I hope the Senator from Indiana will give way to me to make a motion to take up a bill.

Mr. BRIGHT. As this is likely to be the last chance of the Senator from Pennsylvania to make a motion here, I will yield to him.

Mr. CAMERON. I know that, and therefore I want to appeal to the liberality and friendship of my friend from New Hampshire to allow me to ask the Senate to take up and pass a bill giving eleven dollars a month pension to a poor old man who served twenty or thirty years in the Navy, just to give him enough to be buried with. I hope the Senator from New Hampshire will allow me to call up this bill.

Mr. CLARK. I cannot consent.

FINAL ADJOURNMENT.

The PRESIDING OFFICER. The Chair will take this occasion to lay before the Senate a message from the House of Representatives, notifying the Senate that the House, having completed its business, is ready to adjourn. Shall the Secretary be directed to inform the House of Representatives that the Senate is ready to adjourn?

It was so ordered.

EDWARD WILLIAMS.

Mr. CAMERON. I want to make one more attempt to operate on the feelings of the Senator from New Hampshire, in favor of the old man to whom I have alluded. It is the last favor which I shall ask. I hope the Senator will allow me to move to take up the bill.

Mr. BRIGHT. I hope the Senator will yield that to the Senator from Pennsylvania. The gas bill, it is clear, cannot pass to-day.

Mr. CLARK. Does the Senator from Pennsylvania make an appeal to me?

Mr. CAMERON. I do.

Mr. CLARK. I yield.

Mr. CAMERON. I am much obliged to the Senator. I move to take up House bill No. 1001, for the relief of Edward Williams.

The PRESIDING OFFICER. The motion can be entertained only by unanimous consent. The Chair hears no objection.

The motion was agreed to; and the bill (H. R. No. 1001) for the relief of Edward Williams was considered as in Committee of the Whole. It proposes to direct the Secretary of the Interior to place the name of Edward Williams, of New Jersey, upon the list of three-fourths-pay pensioners, at the rate of $11 25 per month, to commence from the 1st of January, 1851, and to continue during his natural life.

Mr. HALE. I move to fill the blanks with "Mauricetown, in the county of Cumberland."

The PRESIDING OFFICER. The blanks will be so filled.

Mr. GRIMES. I should like to know what this pension is for.

Mr. KING. Let the report be read.

The PRESIDING OFFICER. The Chair is informed that no report accompanies the bill.

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

EMPLOYÉS OF THE SENATE.

Mr. BRIGHT. Now, I ask the indulgence of the Senate to take up the little bill I referred to.

Mr. CLARK. I cannot consent to that.

Mr. BRIGHT. I shall go on then with my remarks upon the Senator's bill. I will try to dispose of it in the next five minutes.

Mr. JOHNSON, of Tennessee. I hope the Senate will allow me to make a report.

Mr. BRIGHT. I give way for that purpose.

Mr. JOHNSON, of Tennessee, from the Committee to Audit and Control the Contingent Expenses of the Senate, who were instructed by a resolution of the Senate of the 18th of June, 1860, to inquire and report how many persons are employed by the Senate in each and every department, whether in the office of the Secretary or under the direction of the Sergeant-at-Arms, or of the Doorkeeper, or in any other way and manner; the compensation of each; the time that each individual is employed; the authority by which each person is employed or appointed; and also to inform the Senate whether, in the opinion of the committee, the services of any one thus employed may not be dispensed with without detriment to the public service, and also whether, in the contingent expenses of the Senate, there are not abuses which require reform and amendment, submitted a report; which was ordered to be printed.

METROPOLITAN GAS COMPANY.

Mr. BRIGHT. I believe I am still entitled to the floor.

The PRESIDING OFFICER. The Senator is entitled to the floor, on the motion to reconsider the vote passing the bill to incorporate the Metropolitan Gas-Light Company.

Mr. BRIGHT. Time admonishes me that it will be impossible for me to finish my remarks on this question. [Laughter.]

Mr. HALE. I move, if it be in order, that the Senator have leave to print them. [Laughter.

Mr. BRIGHT. I was going to remark that I would finish them next session. I know the interruptions that are necessarily attendant on the closing of a session.

Mr. CLARK. I want simply, now, to say that this is a struggle on the part of a great overgrown monopoly, to prevent the incorporation of a little company, with $200,000 capital, for the purpose of furnishing gas in competition with them; and so great and overgrown has it become, that it has been able to procure a Senator of the United States to come in here, and, hour after hour, to stand and talk a bill out which the House of Representatives passed, and which was sent to this body, which was examined by your committee, and reported unanimously to be a fit bill to pass this body; and the question is simply, now, on the motion to reconsider. I ask, if we have time, that the Senate take a vote on it without a further word.

Mr. BRIGHT. I am not through, Mr. President; and I will say to the Senator that he will never pass this bill, either at this or the next session, until it is thoroughly sifted; and I shall show a big job inside of it.

ADJOURNMENT SINE DIE.

Mr. RICE, from the committee appointed to wait on the President of the United States, and inform him that, unless he may have any further communications to make, the Senate is ready to close its session by an adjournment, reported that the committee had performed the duty assigned them, and that the President replied that he had no further communication to make.

Hon. HANNIBAL HAMLIN, Vice President elect, entered the Senate Chamber, and was conducted by Hon. SOLOMON FOOT, of the committee of arrangements, to a seat on the dais, to the left of the Vice President.

The VICE PRESIDENT rose and said: Senators, in taking final leave of this position, I can ask but a moment amidst the busy scenes around us, to tender you my grateful acknowledgments for the resolution declaring your approval of the manner in which I have discharged the duties of the Chair, and to express my deep sense of the uniform courtesy which, as the Presiding Officer, I have received from every member of this body. If I have committed errors, your generous forbearance refused to rebuke them; and, during the whole period of my service here, I never have appealed in vain to your justice or your charity. The memory of all this will ever be cherished among the most gratifying recollections of my life; and for my successor, I can express no better wish than that he may enjoy those relations of mutual confidence and regard which have so happily marked my intercourse with the Senate. And now, gentlemen, members of the Senate, officers of the Senate, from whom I have received so many kind offices, accept my gratitude and my cordial good wishes for your prosperity and happiness.

The VICE PRESIDENT then intimated that he was ready to administer the oath of office to his successor.

Mr. HAMLIN rose and said: Senators, an experience of several years as a member of this body has taught me many of the duties of its Presiding Officer, which are delicate, sometimes embarrassing, and always responsible. With a firm and inflexible purpose to discharge these duties faithfully, relying upon the courtesy and coöperation of Senators, and invoking the aid of Divine Providence, I am now ready to take the oath required by the Constitution, and to enter upon the discharge of the official duties intrusted to me in the confidence of a generous public.

The VICE PRESIDENT (Mr. BRECKINRIDGE) administered the oath to support the Constitution of the United States to Mr. HAMLIN, and proclaimed:

The hour having arrived for the termination of this Congress, I now proclaim the Senate adjourned without day.

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JOURNAL

OF THE

SENATE OF THE UNITED STATES

OF AMERICA,

BEING THE

FIRST SESSION OF THE THIRTY-SIXTH CONGRESS;

BEGUN AND HELD

AT THE CITY OF WASHINGTON,

DECEMBER 5, 1859,

IN THE EIGHTY-FOURTH YEAR OF THE INDEPENDENCE OF THE UNITED STATES.

WASHINGTON:
GEORGE W. BOWMAN, SENATE PRINTER.
1859-'60.

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loss of said brig, in consequence of the discontinuance of one of the lights at Cape Elizabeth without public notice; which was referred to the Committee on Commerce.

On motion by Mr. Clark,

Ordered, That the report of the Court of Claims, on the files of the Senate, adverse to the claim of H. G. Carson, administrator of Curtis Grubb, deceased, be referred to the Committee on Revolutionary Claims.

On motion by Mr. Clark,

Ordered, That the memorial of William H. DeGroot, and the report of the Court of Claims adverse to the claim of N. and B. Goddard, executors of Nathaniel Goddard, on the files of the Senate, be referred to the Committee on Claims.

On motion by Mr. Johnson, of Tennessee,

Ordered, That the bill (S. 1) to grant to every person, who is the head of a family and a citizen of the United States, a homestead of one hundred and sixty acres of land, out of the public domain, upon condition of occupancy and cultivation of the same for the period herein specified, be referred to the Committee on Public Lands.

After the consideration of executive business,

On motion,

The Senate adjourned.

THURSDAY, DECEMBER 22, 1859.

The President *pro tempore* laid before the Senate a letter of W. B. Franklin, of the United States army, in charge of the Capitol extension, stating that the heating and ventilating apparatus of the north wing is now ready to be turned over to the control of the officers of the Senate, and inclosing a list of the persons employed thereon with their rates of pay; which was read and referred to the Committee on Public Buildings and Grounds.

Mr. Foot presented the petition of Catharine L. McLeod, only surviving child of Ebenezer Markham, a Canadian refugee, praying relief on account of the losses and sufferings of her father in aiding the cause of the American revolution; which, with her petition on the files of the Senate, was referred to the Committee on Claims.

Mr. Wade presented the petition of John H. Wickizer, praying additional compensation for taking the census of the counties of Monterey and Santa Cruz in California; which was referred to the Committee on Claims.

Mr. Powell presented the petition of David H. Burr, late surveyor general of the Territory of Utah, praying to be allowed the salary appertaining to that office until he was relieved of the care and responsibility thereof by its transfer to Governor Cumming; which was referred to the Committee on Territories.

Mr. Hunter presented the petition of Thomas Crown, praying for relief in consequence of the arbitrary abrogation of a contract made by him with the United States to furnish bricks for the fortifications

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ard Fitzpatrick, on the files of the Senate, be referred to the Committee on Military Affairs and the Militia.

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

Resolved, That the Committee on Post Offices and Post Roads be instructed to inquire as to the condition of the mail service on route 6565, between Tallahassee and Pensacola, in the State of Florida, and to report upon the expediency and the means of establishing an efficient daily postal service therein.

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

Ordered, That when the Senate adjourn on Friday next, it be to Tuesday next; and when it adjourn on Tuesday, it be to the Friday following; and when it adjourn on Friday, it be to Tuesday the 3d day of January next.

Mr. Yulee asked, and by unanimous consent obtained, leave to bring in a joint resolution (S. 1) explanatory of an act for the relief of Doctor Charles D. Maxwell, a surgeon in the United States navy; which was read the first and second times, by unanimous consent, and referred, with his petition and papers heretofore presented to the Senate, to the Committee on Naval Affairs.

Agreeably to notice, Mr. Mallory asked and obtained leave to bring in a bill (S. 10) in addition to "An act to promote the progress of the useful arts;" which was read the first and second times, by unanimous consent, and referred to the Committee on Patents and the Patent Office.

Agreeably to notice, Mr. Harlan asked and obtained leave to bring in a joint resolution (S. 2) removing the restrictions upon a certain grant of five sections of land to the State of Iowa; which was read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

Agreeably to notice, Mr. Harlan asked and obtained leave to bring in a bill (S. 8) to reimburse the State of Iowa monies expended in the suppression of Indian hostilities within the jurisdiction of that State; which was read the first and second times, by unanimous consent, and referred to the Committee on Military Affairs and the Militia.

Agreeably to notice, Mr. Lane asked and obtained leave to bring in a bill (S. 9) to amend "An act for extending the laws and judicial system of the United States to the State of Oregon, and for other purposes;" which was read the first and second times, by unanimous consent, and referred to the Committee on the Judiciary.

Agreeably to notice Mr. Lane asked and obtained leave to bring in a bill (S. 11) making an appropriation for the payment of the expenses incurred by the people of the Territories of Oregon and Washington in the suppression of Indian hostilities therein, in the years 1855 and 1856; which was read the first and second times, by unanimous consent, and referred to the Committee on Military Affairs and the Militia.

Agreeably to notice, Mr. Gwin asked and obtained leave to bring in a bill (S. 12) to authorize the President of the United States to contract for the transportation of the mails, troops, seamen, munitions

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TUESDAY, JANUARY 24, 1860.

Mr. Wade presented a petition of Alfred Dunham and others, praying that pensions may be granted to the militia who served in the war of 1812, and to the widows of those who have died, or may hereafter die; which was referred to the Committee on Pensions.

On motion by Mr. Thomson,

Ordered, That the petition and papers of John C. Carter, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion by Mr. Thomson,

Ordered, That the petition and papers of T. A. M. Craven, on the files of the Senate, be referred to the Committee on Naval Affairs.

Mr. Thomson presented the petition of Catharine Shepherd, widow of George Shepherd, a soldier in the war of the revolution, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. Thomson presented the petition of Peter Van Buskirk, praying to be allowed a pension as commissary during the war of the revolution; which was referred to the Committee on Pensions.

Mr. Clingman presented a paper in favor of the enactment of a law to extend the jurisdiction of the district courts of the United States in the State of North Carolina, and to compensate the clerks; which was referred to the Committee on the Judiciary.

Mr. Seward presented additional papers in relation to the claim of Commodore M. C. Perry to a pension; which, with the papers on the files of the Senate relating to said claim, were referred to the Committee on Pensions.

Mr. Seward presented a petition of citizens of Westfield, Ohio, praying that the militia who served in the Indian wars, and in that of 1812, may be placed on the same footing in regard to bounty land as those who served in the war with Mexico; which was referred to the Committee on Military Affairs and the Militia.

Mr. Rice presented the petition of Henry Carroll and others, citizens of Minnesota, praying the establishment of a mail route from New Ulm, *via* Leavenworth, to Fort Ridgely, in that State; which was referred to the Committee on Post Offices and Post Roads.

Mr. Pugh presented the petition of Charles McCloskey, praying that the pension he now receives may be increased; which was referred to the Committee on Pensions.

Mr. King presented a memorial of citizens of Buffalo, New York, praying the establishment of a harbor of refuge at the mouth of Grand river, on Lake Michigan; which was referred to the Committee on Commerce.

Mr. Chandler presented the petition of Alice Hunt, widow of Thomas Hunt, late a captain in the army, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. Chandler presented the petition of Amherst Crane and others, praying that pensions may be granted to the militia who served in the war of 1812, and to the widows of those who have died, or may hereafter die; which was referred to the Committee on Pensions.

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Mr. Powell presented the petition of Florian Kern, praying the reimbursement of expenses incurred in raising a company of volunteers for the Mexican war; which was referred to the Committee on Military Affairs and the Militia.

Mr. Johnson, of Arkansas, presented the petition of Laura Humber, widow of Captain Charles H. Humber, of the army, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. Davis presented the petition of Alfred Dunham and others, praying that the militia of the Indian wars, and of that of 1812, may be placed on the same footing in regard to bounty land as those who served in the war with Mexico; which was referred to the Committee on Military Affairs and the Militia.

Mr. Davis presented the petition of Henry Lace and others, praying that the militia of the Indian wars, and of that of 1812, may be placed on the same footing in regard to bounty land as those who served in the war with Mexico; which was referred to the Committee on Military Affairs and the Militia.

Mr. Davis presented a letter of T. H. Mitchell, chaplain of the army, asking that chaplains in the army may be allowed service rations and a servant, like commissioned officers; which was referred to the Committee on Military Affairs and the Militia.

Mr. Iverson presented the memorial of Thomas M. Newell, praying to be allowed the same rate of damages for the detension of money due him as was exacted and paid by him to the United States under similar circumstances; which was referred to the Committee on Claims.

Mr. Seward presented the memorial of Jonas P. Levy, in relation to his claim against the Mexican government; which, with the petition and papers on the files of the Senate relating to the said claim, was referred to the Committee on Foreign Relations.

Mr. Fitzpatrick presented the petition of Keziah Pritchett, formerly widow of David Moore, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. Sumner asked, and by unanimous consent obtained, leave to bring in a bill (S. 102) to secure the wages of seamen in cases of wreck; which was read the first and second times, by unanimous consent, and referred to the Committee on Commerce.

Agreeably to notice, Mr. Brown asked and obtained leave to bring in a bill (S. 103) to provide for the public printing, binding, engraving, and lithographing; which was read the first and second times, by unanimous consent, and referred to the Committee on Printing.

Mr. Bigler, from the Committee on Patents and the Patent Office, to whom was referred the bill (S. 10) in addition to "An act to promote the progress of the useful arts," reported it with amendments.

Mr. Iverson asked, and by unanimous consent obtained, leave to bring in a joint resolution (S. 9) in relation to the pay of dropped or retired officers of the navy who have been restored to their original positions on the active list; which was read the first and second times, by unanimous consent, and referred to the Committee on Naval Affairs.

On motion by Mr. Durkee,

Ordered, That the memorial of the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States, on the

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FRIDAY, MARCH 16, 1860.

The following message was received from the President of the United States, by Mr. Buchanan, his Secretary:

To the Senate of the United States:

Referring to my communication of the 5th instant, to the Senate, in answer to its resolution of the 23d February, calling for any "communication which may have been received from the Governor of Texas, and the documents accompanying it, concerning alleged hostilities now existing on the Rio Grande," I have the honor, herewith, to submit for the consideration of that body, the following papers:

Dispatch from the Secretary of War to the Governor of Texas, dated 28th February, 1860.

Dispatch from the Governor of Texas to the Secretary of War, dated 8th March, 1860.

Dispatch from acting Secretary of War to the Governor of Texas, dated 14th March, 1860.

JAMES BUCHANAN.

WASHINGTON, *March* 15, 1860.

The message was read.

Ordered, That it lie on the table.

On motion by Mr. Hamlin, that the message be printed.

Ordered, That the motion be referred to the Committee on Printing.

On motion by Mr. Hamlin,

Ordered, That the petition of Lemuel Worster, with the adverse report of the Committee on Pensions thereon, be recommitted to the Committee on Pensions.

The Vice-President laid before the Senate a report of the Secretary of the Treasury, communicating, in compliance with a resolution of the Senate, a statement of the trade and commerce of the United States with the British North American Provinces annually since 1850; which was read.

Ordered, That it be referred to the Committee on Commerce.

On motion by Mr. Wilson, that the report be printed.

Ordered, That the motion be referred to the Committee on Printing.

Mr. Doolittle presented a memorial of the city councils of the city of Racine, Wisconsin, praying that beacon lights be established and kept up in the harbor of that place; which was referred to the Committee on Commerce.

Mr. Sebastian presented papers in relation to the claim of Barrow, Porter & Crenshaw, contractors for carrying the mail from Kansas City, Missouri, to Stockton, California, and for mules stolen and wagons destroyed by the Indians; which were referred to the Committee on Indian Affairs.

Mr. Hammond presented papers in relation to the claim of William L. Hudson, a captain in the navy, praying remuneration for certain expenditures by him while in command of the United States steamship

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Niagara, and employed in laying the Atlantic telegraphic cable; which were referred to the Committee on Naval Affairs.

Mr. Johnson, of Tennessee, from the Committee to Audit and Control the Contingent Expenses of the Senate, submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That any vacancy now existing, or which shall hereafter occur in the places of messengers of the Senate, by death, resignation, removal, or otherwise, such vacancy so existing or occurring, shall not be filled by the appointment of other messengers until it is so ordered by the Senate.

On motion by Mr. Wilson,

Ordered, That Samuel Remick have leave to withdraw his petition and papers.

Mr. Green presented a memorial of the legislature of Missouri, praying the reimbursement of money paid by that State in repelling an incursion of the Osage Indians, in 1837; which was referred to the Committee on Military Affairs and the Militia.

Mr. Green presented eight memorials of citizens of Dakota, praying the establishment of a territorial government for that Territory as early as practicable; which were referred to the Committee on Territories.

Mr. Clay, from the Committee on Commerce, to whom was referred the joint resolution of the House of Representatives (H. R. 11) providing for the manner of expending the balance of appropriation "for repairing the works and piers, in order to preserve and secure the light-house at Chicago, Illinois," reported it without amendment, and submitted an adverse report thereon.

Mr. Latham asked, and by unanimous consent obtained, leave to bring in a bill (S. 288) to create a separate district upon the Pacific coast for the inspection of hulls and boilers and machines of vessels propelled in whole or in part by steam; which was read the first and second times, by unanimous consent, and referred to the Committee on Commerce.

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

Resolved, That the Committee on Post Offices and Post Roads be instructed to inquire into the expediency of providing by law for the prepayment of the penny post.

Mr. Wilkinson, from the Committee on Claims, to whom was referred the memorial of George G. Durham, reported adversely thereon.

Mr. Fessenden presented the petition of Eli Goss, a soldier in the Aroostook expedition, praying to be allowed bounty land; which was referred to the Committee on Public Lands.

On motion by Mr. Bigler,

The Senate proceeded to consider, as in Committee of the Whole, the bill (S. 10) in addition to "An act to promote the progress of the useful arts;" and

On motion by Mr. Bigler,

Ordered, That the bill be recommitted to the Committee on Patents and the Patent Office.

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Messrs. Benjamin, Bigler, Bragg, Bright, Chesnut, Clay, Clingman, Collamer, Davis, Fitch, Fitzpatrick, Foot, Green, Gwin, Johnson, of Arkansas, Johnson, of Tennessee, Lane, Latham, Mason, Nicholson, Pearce, Sebastian, Slidell, Sumner, Thomson, Toombs, Wigfall, Wilson, Yulee.

Those who voted in the negative are,

Messrs. Bingham, Chandler, Clark, Crittenden, Durkee, Foster, Grimes, Hale, Hamlin, Harlan, Hemphill, Iverson, King, Ten Eyck, Wade, Wilkinson.

So the motion was agreed to; and

After the consideration of executive business,

The Senate adjourned.

MONDAY, MARCH 19, 1860.

The following message was received from the President of the United States, by Mr. Buchanan, his Secretary:

To the Senate and House of Representatives:

I transmit a copy of the convention between the United States and the republic of Paraguay, concluded on the 4th February, 1859, and proclaimed on the 12th instant, and invite the attention of Congress to the expediency of such legislation as may be deemed necessary to carry into effect the stipulations of the convention relative to the organization of the commission provided therein. The commissioner on the part of Paraguay is now in this city, and is prepared to enter upon the duties devolved upon the joint commission.

JAMES BUCHANAN.

WASHINGTON, *March* 16, 1860.

The message was read.

Ordered, That it be referred to the Committee on Foreign Relations.

The following message was received from the President of the United States, by Mr. Buchanan, his Secretary:

To the Senate of the United States:

I transmit herewith a report from the Acting Secretary of War, with its accompanying papers, communicating the information called for by the resolution of the Senate, of the 9th instant, respecting the marble columns for the Capitol extension.

JAMES BUCHANAN.

WASHINGTON, *March* 16, 1860.

The message was read.

Ordered, That it be referred to the Committee on Public Buildings and Grounds.

On motion by Mr. Slidell, that the message be printed.

Ordered, That the motion be referred to the Committee on Printing.

The Vice-President presented a petition of manufacturers, merchants, and other citizens of Schuylkill county, Pennsylvania, praying such a modification of the tariff as shall afford protection to all the industrial

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interests of the country; which was referred to the Committee on Finance.

Mr. Thomson presented a petition of citizens of New York, praying that the public lands may be laid out in farms for the free and exclusive use of actual settlers.

Ordered, That it lie on the table.

Mr. King presented a petition of citizens of New York, praying that the public lands may be laid out in farms for the free and exclusive use of actual settlers.

Ordered, That it lie on the table.

Mr. King presented papers in relation to the claim of John Reed to a pension on account of an injury received while in the military service of the United States during the war of 1812; which were referred to the Committee on Pensions.

Mr. King presented a petition of citizens of New York, praying the enactment of a uniform bankrupt law; which was referred to the Committee on the Judiciary.

On motion by Mr. King,

Ordered, That the petition and papers of the heirs of Lieutenant Nathan Weeks, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

Mr. Lane presented a memorial of the legislative assembly of Washington Territory, praying that treaties may be made with the Chehalis and other tribes of Indians in that Territory; which was referred to the Committee on Indian Affairs.

Mr. Lane asked, and by unanimous consent obtained, leave to bring in a bill (S. 289) to provide two additional superintendencies of Indian affairs for the State of Oregon and Territory of Washington; which was read the first and second times, by unanimous consent, and referred to the Committee on Indian Affairs.

Mr. Bigler presented a petition of citizens of Elk county, Pennsylvania, praying the establishment of a mail route from Hellen to Benjenger, *via* Kersey, in that county; which was referred to the Committee on Post Offices and Post Roads.

Mr. Bigler, from the Committee on Patents and the Patent Office, to whom was recommitted the bill (S. 10) in addition to "An act to promote the progress of the useful arts," reported it with an amendment.

On motion by Mr. Bigler,

Ordered, That the Committee on Patents and the Patent Office be discharged from the further consideration of the memorial of John L. Hayes, in reference to international reciprocity in the rights of patentees.

Mr. Grimes presented a petition of citizens of New York, praying that the public lands be laid out in farms of limited size for the free and exclusive use of actual settlers.

Ordered, That it lie on the table.

On motion by Mr. Wade,

Ordered, That the petition and papers of Lieutenant Wm. F. Lovell, on the files of the Senate, be referred to the Committee on Naval Affairs.

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WEDNESDAY, MARCH 28, 1860.

The Vice-President laid before the Senate a communication from the Secretary of the Territory of New Mexico, inclosing the following memorials and joint resolutions of the legislative assembly of that Territory;

A memorial praying the payment of certain militiamen called into service against the Apache Indians, by acting governor William S. Messervey, in 1854;

A memorial praying the payment of the claims of volunteers under Major Ramon Luna, called into service by order of Colonel E. W. B. Newby, in 1850–51, passed at the session of 1857–58;

A memorial praying the payment of the militia and volunteers aforesaid, passed at the session of 1858–59; and

A preamble and resolutions relating to the same subject, passed at the session of 1858–59.

The communication was read.

On motion by Mr. Polk,

Ordered, That the communication, with the accompanying memorials and resolutions, lie on the table, and be printed.

Mr. Bigler presented a memorial of the Board of Trade of Philadelphia, praying that the legal boundaries of the port of that city be extended; which was referred to the Committee on Commerce.

Mr. Nicholson presented the memorial of Cornelius Wendell, praying Congress to establish a public printing office; which was referred to the Committee on Printing.

On motion by Mr. Sebastian,

Ordered, That the petition and papers of Thomas O. and Edward O. Smith, on the files of the Senate, be referred to the Committee on Indian Affairs.

On motion by Mr. Sebastian,

Ordered, That the Committee on Indian Affairs be discharged from the further consideration of the bill (S. 289) to provide two additional superintendencies of Indian affairs for the State of Oregon and Territory of Washington.

On motion by Mr. Sebastian,

Ordered, That the Committee on Indian Affairs be discharged from the further consideration of the memorial of the legislative assembly of Washington Territory, praying that treaties may be made with the Chehalis and other Indian tribes of that Territory, and that the memorial be transmitted to the President of the United States.

Mr. Lane presented the memorial of Frank B. Schaeffer, a military storekeeper, praying to be allowed the same extra pay as was allowed to other officers of the same rank, serving in California and Oregon; which was referred to the Committee on Military Affairs and the Militia.

On motion by Mr. Ten Eyck,

Ordered, That John Vreeland have leave to withdraw his petition and papers.

Mr. Latham presented a memorial of E. Steele, in reference to the

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the same rate of annual compensation as the permanent committee clerks of the Senate, commencing with the present fiscal year.

On motion by Mr. Chandler,

The Senate resumed, as in Committee of the Whole, the consideration of the bill (S. 37) making an appropriation for deepening the channel over the St. Clair flats, in the State of Michigan; and

On motion by Mr. Chandler,

Ordered, That the further consideration of the bill be postponed to, and made the special order of the day for, Tuesday, the 10th of April next, at one o'clock.

On motion by Mr. Bigler,

The Senate resumed, as in Committee of the Whole, the consideration of the bill (S. 10) in addition to "An act to promote the progress of the useful arts;" and

On motion by Mr. Bigler,

Ordered, That the further consideration of the bill be postponed to, and made the special order of the day for, Wednesday, the 4th of April next, at one o'clock.

On motion by Mr. Slidell,

The Senate resumed, as in Committee of the Whole, the consideration of the bill (S. 50) to prohibit the issue of bank notes by corporations, associations, or individuals within the District of Columbia; and further to prevent the circulation of bank notes issued by any incorporated company or association of individuals, located beyond the limits of the District of Columbia, of a less denomination than twenty dollars; and

On motion by Mr. Slidell,

Ordered, That the further consideration of the bill be postponed to, and made the special order of the day for, Wednesday, the 11th of April next, at one o'clock.

Mr. Saulsbury reported from the committee that they this day presented to the President of the United States the following enrolled bill and resolution:

H. R. 216. An act making appropriations for fulfilling treaty stipulations with the Ponca Indians, and with certain bands of Indians in the State of Oregon and Territory of Washington for the year ending June 30, 1860.

H. R. 21. Resolution for the relief of the contractors of the Post Office Department.

A message from the House of Representatives, by Mr. Hayes, chief clerk:

Mr. President: The House of Representatives has passed the bill of the Senate (S. 247) for the relief of Mary E. Castor; and

It agrees to the first and second amendments of the Senate to the bill of the House (H. R. 241) authorizing publishers to print on their papers the date when subscriptions expire; it agrees to the third amendment of the Senate to the said bill, with an amendment, in which it requests the concurrence of the Senate; and it agrees to the amendment of the Senate to the title of the bill.

The House of Representatives having ordered the printing of certain documents, I am directed to notify the Senate thereof.

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WEDNESDAY, APRIL 11, 1860.

Mr. Powell, from the Committee on Pensions, to whom was recommitted the petition of Lemuel Worster, submitted a report, (No. 186,) accompanied by a bill (S. 395) for the relief of Lemuel Worster.

The bill was read and passed to a second reading.

Ordered, That the report be printed.

Mr. Powell, from the Committee on Pensions, to whom was referred the petition of Lockey Simpson, submitted a report, (No. 187,) accompanied by a bill (S. 396) for the relief of Lockey Simpson.

The bill was read and passed to a second reading.

Ordered, That the report be printed.

Mr. Powell, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution making certain allowances to the widow of Thomas Clarke, late a messenger of the Senate, reported adversely thereon.

On motion by Mr. Mason,

Ordered, That the bill (S. 347) to declare the meaning of the act entitled "An act making further provisions for the satisfaction of Virginia land warrants," passed August 31, 1852, be recommitted to the Committee on Public Lands.

On motion by Mr. Bigler,

That the Senate proceed to the consideration of the bill (S. 10) in addition to "An act to promote the progress of the useful arts,"

Yeas	19
Nays	19

On motion by Mr. Hale,

The yeas and nays being desired by one-fifth of the senators present,

Those who voted in the affirmative are,

Messrs. Bigler, Bragg, Chesnut, Clingman, Collamer, Davis, Fitzpatrick, Gwin, Hemphill, Iverson, Lane, Latham, Mason, Nicholson, Powell, Rice, Sebastian, Slidell, Thomson.

Those who voted in the negative are,

Messrs. Bingham, Chandler, Clark, Dixon, Doolittle, Douglas, Fessenden, Foot, Green, Hale, Hamlin, King, Seward, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilson.

The Senate being equally divided,

The Vice-President determined the question in the negative.

So the motion was not agreed to.

Mr. Wade presented a petition of citizens of Ashtabula county, Ohio, praying the enactment of a bankrupt law; which was referred to the Committee on the Judiciary.

Mr. Hale asked, and by unanimous consent obtained, leave to bring in a bill (S. 397) for the relief of witnesses in criminal cases in the District of Columbia; which was read the first and second times, by unanimous consent, and referred to the Committee on the Judiciary.

Mr. Fitch, from the Committee on Printing, to whom was referred a motion to print the report of the Secretary of the Treasuary showing the amount of revenue collected annually in each collection district, from June 30, 1854, to June 30, 1859, together with the amount ex-

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city; and that separate schools shall be provided or organized for the education of colored children.

After debate,

On motion by Mr. Hale,

The Senate adjourned.

FRIDAY, APRIL 13, 1860.

The following message was received from the President of the United States, by Mr. Buchanan, his Secretary:

To the Senate of the United States:

In compliance with the resolution of the Senate of the 2d February, 1859, requesting information in regard to the compulsory enlistment of citizens of the United States in the army of Prussia, I transmit a report from the Secretary of State, and the documents by which it was accompanied.

JAMES BUCHANAN.

WASHINGTON, *April* 11, 1860.

The message was read.

Ordered, That it lie on the table.

On motion by Mr. Hale, that the message be printed,

Ordered, That it be referred to the Committee on Printing.

The following message was received from the President of the United States, by Mr. Buchanan, his Secretary:

To the Senate of the United States:

In compliance with the resolution of the Senate of the 23d of February last, requesting information in regard to the occupation by American citizens of the island of Navasa, in the West Indies, I transmit a report from the Secretary of State, and the documents by which it was accompanied.

JAMES BUCHANAN.

WASHINGTON, *April* 12, 1860.

The message was read.

Ordered, That it lie on the table.

The Vice-President laid before the Senate a letter of the Secretary of War, communicating, in compliance with a resolution of the Senate of March 3, 1859, reports from the Second and Third Auditors, exhibiting detailed information with respect to the expenses of the Indian wars in Oregon and Washington; which was read.

Ordered, That the letter, with the accompanying reports, be referred to the Committee on Military Affairs and the Militia.

The Vice-President laid before the Senate a report of the Secretary of the Interior, made pursuant to law, submitting an estimate of the amount requisite for clerk hire and office expenses of the district land offices; which was read.

Ordered, That it lie on the table.

On motion by Mr. Wilson, that the report be printed,

Ordered, That the motion be referred to the Committee on Printing.

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On motion by Mr. Iverson,

Ordered, That the Committee on Claims be discharged from the further consideration of the petition of Benjamin Alvord, and that it be referred to the Committee on Military Affairs and the Militia.

On motion by Mr. Iverson,

Ordered, That the Committee on Claims be discharged from the further consideration of the memorial of Captain Samuel Jones, of the United States army, and that it be referred to the Committee on Military Affairs and the Militia.

Mr. Benjamin asked, and by unanimous consent obtained, leave to bring in a bill (S. 407) for the relief of Mary L. Lear; which was read the first and second times, by unanimous consent, and referred, with the accompanying papers, to the Committee on Pensions.

Mr. Bigler presented a memorial of the officers of the American Philosophical Society, of Philadelphia, praying that the Superintendent of the Coast Survey be authorized to send persons to some suitable point on the Atlantic coast, to make observations of the eclipse of the sun, which will occur on the 18th July next; which was referred to the Committee on Commerce.

Mr. Bigler asked, and by unanimous consent obtained, leave to bring in a joint resolution (S. 30) to repeal the proviso of the third section of the act approved March 3, 1859, entitled "An act making appropriations for sundry civil expenses of the government for the year ending the 30th June, 1860;" which was read the first and second times, by unanimous consent, and referred to the Committee on Post Offices and Post Roads.

On motion by Mr. Bigler,

The Senate resumed, as in Committee of the Whole, the consideration of the bill (S. 10) in addition to "An act to promote the progress of the useful arts;" and, the reported amendment having been amended on the motion of Mr. Bigler,

The Vice-President announced that the hour of one o'clock having arrived, it was the duty of the Chair to call up the special order, which was the private calendar.

On motion by Mr. Bigler, to postpone the private calendar, and continue the consideration of the bill (S. 10) in addition to "An act to promote the progress of the useful arts," until half past one o'clock,

It was determined in the negative; and

The Senate resumed, as in Committee of the Whole, the consideration of the bill (S. 118) for the relief of David Myerle; and,

After debate,

A motion was made by Mr. Iverson, to amend the bill by striking out "forty-four thousand four hundred," and inserting in lieu thereof, *thirty thousand*.

On motion by Mr. Slidell, to amend the amendment of Mr. Iverson, by striking out "thirty," and inserting *ten*.

It was determined in the negative, { Yeas..... 15 / Nays..... 21

On motion by Mr. Clingman,

The yeas and nays being desired by one-fifth of the senators present,

Those who voted in the affirmative are,

Messrs. Bayard, Benjamin, Bingham, Bragg, Clingman, Critten-

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The Senate resumed, as in Committee of the Whole, the consideration of the bill (S. 138) for the relief of Ernest Fiedler, reported by the Court of Claims; and,

Ordered, That the further consideration thereof be postponed to Friday next.

The bill (H. R. 513) for the relief of Hockaday & Liggit was read the first and second times, by unanimous consent, and referred to the Committee on Post Offices and Post Roads.

The joint resolution (H. R. 34) for the relief of John T. Robertson, of Virginia, was read the first and second times, by unanimous consent, and referred to the Committee on the Judiciary.

On motion by Mr. Hemphill,

Ordered, That the bill (S. 367) for the relief of Frederick E. Sickels be recommitted to the Committee on Patents and the Patent Office.

The following joint resolution and bill were read the second time, and considered, as in Committee of the Whole:

S. 28. Joint resolution for the relief of A. M. Fridley, late agent of the Winnebago Indians.

S. 395. Bill for the relief of Lemuel Worster; and, no amendment being made, they were reported to the Senate.

Ordered, That they be engrossed and read a third time.

The said resolution and bill were read the third time, by unanimous consent.

Resolved, That they pass, and that the titles thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

After the consideration of executive business,

On motion by Mr. Slidell,

The Senate adjourned.

MONDAY, APRIL 16, 1860.

Mr. Bingham reported from the committee that they presented to the President of the United States, on the 13th instant, the following enrolled bills:

S. 78. An act for the relief of Francis Hüttmann.

S. 306. An act to settle the titles to lands along the boundary line between the States of Georgia and Florida;

H. R. 31. An act for the relief of Charles Knap.

The Vice-President laid before the Senate a report of the Secretary of the Navy, communicating, in obedience to law, an abstract of offers for furnishing naval supplies, coming under the cognizance of the Bureau of Yards and Docks, for the year ending June 30, 1860, and a list of contracts made by that bureau; which was read.

Ordered, That it lie on the table.

Mr. Wade presented the petition of Henry Durkee, praying indemnity for losses sustained by him in fulfilling a contract for supplying the United States troops at Plattsburg with fresh beef, in the year 1839; which was referred to the Committee on Claims.

Mr. Grimes presented a petition of citizens of Iowa, praying the

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the recent invasion and seizure of the United States armory at Harper's Ferry, in Virginia, by an armed band, setting forth the reasons why he has failed to make the arrest as directed by the said warrant; which was read.

On motion by Mr. Mason,

Ordered, That the return of Matthew Johnson, and the return of Silas Carlton, with the accompanying papers, be referred to the Committee on the Judiciary, with instructions "to inquire and report whether any and what further proceedings may be necessary to vindicate the authority of the Senate, and to affect the arrest of the witnesses named in the warrants."

A motion was made by Mr. Sumner, that the Senate take up the memorial and papers of F. B. Sanborn on the same subject, presented April 10, and April 13.

It was determined in the affirmative; and,

On motion by Mr. Sumner, to refer the memorial and papers of F. B. Sanborn to the Committee on the Judiciary,

A debate ensued; and pending which,

The Vice-President announced that the hour of one o'clock having arrived, it was the duty of the chair to call up the special order of the day, which was the resolutions submitted by Mr. Brown the 18th of January, relative to the questions of slavery and the rights of property in the Territories; but that the bill (S. 230) declaratory of the acts for carrying into effect the ninth article of the treaty between the United States and Spain, being a prior special order, had precedence; and

The Senate resumed the consideration of the said bill; and

On motion by Mr. Iverson,

Ordered, That the further consideration of the bill be postponed to, and made the special order of the day for, Wednesday next, at one o'clock.

The Vice-President announced that the resolutions of Mr. Brown being the next special order, were now before the Senate.

The Senate resumed the consideration of the said resolutions; and

After debate,

On motion by Mr. Bigler, that the further consideration of the resolutions be postponed to to-morrow; and that the Senate proceed to the consideration of the bill (S. 10) in addition to "An act to promote the progress of the useful arts."

Mr. Hale called for a division of the question; and

On the question to agree to the first branch of the motion, viz: that the further consideration of the resolutions be postponed to to-morrow,

It was determined in the affirmative, { Yeas..... 27 / Nays..... 25

On motion by Mr. Bigler,

The yeas and nays being desired by one-fifth of the senators present,

Those who voted in the affirmative are,

Messrs. Benjamin, Bigler, Bragg, Chesnut, Clay, Clingman, Davis, Fitch, Fitzpatrick, Gwin, Hemphill, Hunter, Iverson, Johnson, of Arkansas, Johnson, of Tennessee, Kennedy, Lane, Latham, Mason

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Nicholson, Polk, Powell, Sebastian, Slidell, Thomson, Toombs, Wigfall.

Those who voted in the negative are,

Messrs. Anthony, Bingham, Brown, Chandler, Clark, Collamer, Dixon, Doolittle, Douglas, Durkee, Fessenden, Foot, Foster, Grimes, Hale, Hamlin, Harlan, Seward, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, Wilson.

So the motion was agreed to.

On the question to agree to the second branch of the motion, viz: that the Senate proceed to the consideration of the bill (S. 10) in addition to "An act to promote the progress of the useful arts,"

It was determined in the affirmative; and

The Senate resumed, as in Committee of the Whole, the consideration of the said bill; and,

An amendment being proposed by Mr. Hale,

After debate,

On motion by Mr. Hale, that the Senate adjourn.

It was determined in the affirmative, { Yeas..... 21 / Nays..... 14

On motion by Mr. Bigler,

The yeas and nays being desired by one-fifth of the senators present,

Those who voted in the affirmative are,

Messrs. Bingham, Clark, Collamer, Crittenden, Dixon, Durkee, Fessenden, Foot, Foster, Grimes, Hale, Hamlin, King, Latham, Seward, Simmons, Sumner, Ten Eyck, Thomson, Wade, Wilkinson.

Those who voted in the negative are,

Messrs. Benjamin, Bigler, Bragg, Bright, Clay, Gwin, Harlan, Hemphill, Iverson, Johnson, of Arkansas, Nicholson, Polk, Powell, Trumbull.

Whereupon,

The Senate adjourned.

TUESDAY, APRIL 17, 1860.

The following message was received from the President of the United States, by Mr. Buchanan, his Secretary:

To the Senate of the United States:

In compliance with the resolution of the Senate, of the 4th instant, requesting information not heretofore called for, relating to the claim of any foreign governments to the military services of naturalized American citizens, I transmit a report from the Secretary of State, and the documents by which it was accompanied.

JAMES BUCHANAN.

WASHINGTON, *April* 16, 1860.

The message was read.

Ordered, That it lie on the table.

On motion by Mr. Sumner, that the message be printed in connection with the message of the President on the same subject of the 11th instant,

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Mr. Bingham reported from the committee that they had examined and found duly enrolled the following joint resolutions and bill:

S. 4. A resolution to allow a credit to certain disbursing officers therein mentioned;

S. 24. A resolution for the compensation of Reverend R. R. Richards, late chaplain to the United States penitentiary, in the District of Columbia;

S. 229. An act for the relief of Angelina C. Bowman, widow of Francis L. Bowman, late captain United States army.

On motion by Mr. Hale,

The Senate proceeded to consider the resolution submitted by him, the 16th instant, for a temporary adjournment of the two Houses of Congress; and, while the same was under consideration,

The President announced that the hour of one o'clock having arrived, it was the duty of the Chair to call up the unfinished business of yesterday, which was the bill (S. 10) in addition to "An act to promote the progress of the useful arts."

On motion by Mr. Hale, to postpone the unfinished business, and all prior orders, and that the Senate continue the consideration of the resolution submitted by him,

It was determined in the affirmative, { Yeas..... 27 / Nays..... 25

On motion by Mr. Gwin,

The yeas and nays being desired by one-fifth of the senators present,

Those who voted in the affirmative are,

Messrs. Anthony, Bingham, Brown, Chesnut, Collamer, Davis, Fitch, Foot, Foster, Hale, Hemphill, Iverson, Kennedy, Lane, Mason, Powell, Pugh, Sebastian, Seward, Simmons, Slidell, Sumner, Ten Eyck, Thomson, Wigfall, Wilson, Yulee.

Those who voted in the negative are,

Messrs. Bragg, Bright, Cameron, Chandler, Clark, Clingman, Crittenden, Dixon, Durkee, Fessenden, Fitzpatrick, Grimes, Gwin, Hammond, Harlan, Johnson, of Arkansas, Johnson, of Tennessee, King, Nicholson, Polk, Rice, Toombs, Trumbull, Wade, Wilkinson.

So the motion was agreed to; and

The Senate resumed the consideration of the resolution proposing a temporary adjournment of the two Houses of Congress; and the resolution having been amended on the motion of Mr. Hale,

On motion by Mr. Dixon, to amend the resolution by striking out the words: "On Thursday, the 19th of April instant, at two o'clock, to Tuesday, the 22d of May next," and in lieu thereof inserting: *and terminate the present session on Monday, the 4th day of June next.*

On motion by Mr. Pugh, that the resolution lie on the table.

It was determined in the negative.

On the question to agree to the amendment of Mr. Dixon,

It was determined in the negative, { Yeas..... 18 / Nays..... 31

On motion by Mr. Clingman,

The yeas and nays being desired by one-fifth of the senators present,

Those who voted in the affirmative are,

Messrs. Anthony, Bingham, Bright, Chandler, Clark, Clingman,

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Crittenden, Dixon, Doolittle, Durkee, Grimes, Gwin, Hammond, Harlan, Latham, Powell, Slidell, Toombs.

Those who voted in the negative are,

Messrs. Bayard, Bragg, Brown, Cameron, Clay, Collamer, Davis, Fessenden, Fitch, Fitzpatrick, Foot, Foster, Hale, Hamlin, Iverson, Johnson, of Arkansas, Johnson, of Tennessee, King, Mason, Pugh, Rice, Sebastian, Seward, Simmons, Sumner, Thomson, Trumbull, Wade, Wilkinson, Wilson, Yulee.

No further amendment being proposed,

On the question to agree to the resolution as amended, to wit:

Resolved by the Senate, (the House of Representatives concurring,) That the Speaker of the House and President of the Senate adjourn the respective Houses on Thursday, the 19th of April instant, at 2 o'clock, to Tuesday, the 22d of May next.

It was determined in the negative, { Yeas..... 20 / Nays..... 31

On motion by Mr. Clingman,

The yeas and nays being desired by one-fifth of the senators present,

Those who voted in the affirmative are,

Messrs. Anthony, Bayard, Bingham, Brown, Davis, Fitch, Foot, Hale, Hamlin, Iverson, Lane, Powell, Pugh, Sebastian, Simmons, Slidell, Sumner, Thomson, Wilson, Yulee.

Those who voted in the negative are,

Messrs. Bragg, Bright, Chandler, Chesnut, Clark, Clingman, Collamer, Crittenden, Dixon, Doolittle, Durkee, Fessenden, Fitzpatrick, Foster, Grimes, Gwin, Hammond, Harlan, Johnson, of Arkansas, Johnson, of Tennessee, King, Latham, Mason, Nicholson, Rice, Ten Eyck, Toombs, Trumbull, Wade, Wigfall, Wilkinson.

So the resolution was not agreed to.

Mr. Slidell submitted the following motion for consideration:

Ordered, That when the Senate adjourns on Thursday next, it be to meet on Monday next; that when the Senate adjourns on that day, it be to meet on the following Thursday; and that when the Senate adjourns on that day, it be to meet on the following Tuesday, the 1st of May.

On motion by Mr. Powell,

The Senate proceeded to the consideration of executive business,

After the consideration of executive business, the doors were opened; and

Mr. Fitch, from the Committee on Printing, to whom was referred a motion to print the messages of the President of the United States of the 11th and 16th instant, communicating, in answer to resolutions of the Senate, information in relation to the claim of foreign governments to the military services of naturalized American citizens, reported the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the messages of the President of the United States of the 11th and 16th of April instant, communicating, in compliance with resolutions of the Senate, information in regard to the compulsory enlistment of American citizens in the army of Prussia, &c., be

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It was determined in the affirmative, { Yeas..... 26 / Nays..... 8

On motion by Mr. Clingman,

The yeas and nays being desired by one-fifth of the senators present,

Those who voted in the affirmative are,

Messrs. Benjamin, Brown, Chesnut, Clark, Clay, Davis, Fitzpatrick, Green, Gwin, Hammond, Harlan, Hemphill, Hunter, Iverson, Johnson, of Arkansas, Lane, Mallory, Mason, Nicholson, Powell, Rice, Sebastian, Simmons, Slidell, Wigfall, Wilson, Yulee.

Those who voted in the negative are,

Messrs. Bragg, Clingman, Crittenden, Johnson, of Tennessee, Latham, Polk, Pugh, Toombs.

So the motion to reconsider was agreed to; and,

The question recurring on the amendment of Mr. Clingman,

On the question to agree thereto,

It was determined in the negative.

So the amendment was rejected.

On motion by Mr. Slidell,

The Senate resumed, as in Committee of the Whole, the consideration of the bill (S. 307) to repeal the second section and other portions of an act passed the 2d day of June, 1858, entitled "An act to provide for the location of certain confirmed private land claims in the State of Missouri, and for other purposes," and also to provide for the final settlement of certain private land claims in the State of Louisiana; and,

On motion by Mr. Slidell,

Ordered, That the further consideration of the bill be postponed to, and made the special order of the day for, Tuesday next, at twelve o'clock.

On motion by Mr. Mallory,

Ordered, That the bill (H. R. 267) for the relief of Mrs. A. W. Angus, widow of the late Captain Samuel Angus, United States navy, be recommitted to the Committee on Naval Affairs.

On motion by Mr. Hunter,

The Senate resumed, as in Committee of the Whole, the consideration of the bill (H. R. 215) making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1861; and,

On motion by Mr. Hunter,

The Senate adjourned.

SATURDAY, MAY 26, 1860.

The Vice-President signed the enrolled bill (H. R. 239) for the relief of George F. Brott, and it was delivered to the committee to be presented to the President of the United States.

The Vice-President laid before the Senate a report of the Secretary of the Treasury, communicating, in compliance with a resolution of the Senate, a report of the Light-house Board in relation to the claim

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of Don Anastasio Carillo for damages for land taken for light-house purposes; which was read.

On motion by Mr. Latham,

Ordered, That it be referred to the Committee on Public Lands.

The Vice-President laid before the Senate a report of the Postmaster General, communicating, in compliance with a resolution of the Senate, information in relation to the defalcation of the postmaster at New York; which was read.

On motion by Mr. Hale,

Ordered, That it be referred to the Committee on Post Offices and Post Roads, and be printed.

The Vice-President laid before the Senate a report of the Postmaster General, communicating, in compliance with a resolution of the Senate, further information in relation to the contracts with Daniel H. Johnson and Cornelius Vanderbilt for temporary mail service between New York and San Francisco, and New Orleans and San Francisco, *via* the Isthmus; which was read.

On motion by Mr. Yulee,

Ordered, That it lie on the table and be printed.

On motion by Mr. Bigler,

The Senate resumed, as in Committee of the Whole, the consideration of the bill (S. 10) in addition to "An act to promote the progress of the useful arts," with the amendment reported thereto.

On motion by Mr. Grimes, to amend the reported amendment by striking out the third section, as follows:

"SEC. 3. *And be it further enacted*, That no appeal shall be allowed to the examiners-in-chief from the decisions of the primary examiners, except in interference cases, until after the application shall have been twice rejected; and the second examination of the application by the primary examiner shall not be had until the applicant, in view of the references given on the first rejection, shall have renewed the oath of invention, as provided for in the seventh section of the act entitled 'An act to promote the progress of the useful arts, and to repeal all acts and parts of acts heretofore made for that purpose,' approved July fourth, eighteen hundred and thirty-six,"

It was determined in the negative, { Yeas..... 21 / Nays..... 22

On motion by Mr. Johnson, of Arkansas,

The yeas and nays being desired by one-fifth of the senators present,

Those who voted in the affirmative are,

Messrs. Anthony, Chandler, Clark, Crittenden, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Hamlin, Harlan, Johnson, of Arkansas, Johnson, of Tennessee, King, Lane, Pearce, Simmons, Ten Eyck, Wilson.

Those who voted in the negative are,

Messrs. Bigler, Bragg, Bright, Brown, Chesnut, Clingman, Davis, Fitzpatrick, Green, Gwin, Hemphill, Iverson, Latham, Mallory, Powell, Rice, Sebastian, Slidell, Thomson, Toombs, Wigfall, Yulee.

The reported amendment having been amended was agreed to, and, no further amendment being proposed, the bill was reported to the Senate, and the amendment was concurred in.

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Ordered, That the bill be engrossed and read a third time.

The said bill was read the third time.

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

Mr. Brown presented a petition of citizens of Lauderdale county, Mississippi, praying the establishment of a mail route from Herbert to Marion Station, on the Mobile and Ohio railroad; which was referred to the Committee on Post Offices and Post Roads.

A message from the House of Representatives, by Mr. Hayes, chief clerk:

Mr. President: The House of Representatives has passed the following bills, in which it requests the concurrence of the Senate:

H. R. 447. An act for the relief of the children of the late Captain E. A. Capron;

H. R. 448. An act granting an invalid pension to Esther P. Fox, widow of Augustus C. Fox;

H. R. 449. An act for the relief of Eunice Cobb;

H. R. 450. An act for the relief of Thomas Berry;

H. R. 452. An act granting a pension to Asa Wells;

H. R. 453. An act granting an invalid pension to Anselmn Clarkson, of Missouri;

H. R. 454. An act granting a pension to Andrew Templeton;

H. R. 455. An act granting an invalid pension to Chauncey Hoyt, of Chenango county, New York;

H. R. 456. An act granting a pension to James Alexander, an invalid soldier of the war of 1812;

H. R. 458. An act for the relief of Mrs. Rachel McMillan;

H. R. 459. An act granting an increase of pension to James Dunning;

H. R. 460. An act granting an invalid pension to William Eddy;

H. R. 461. An act granting an invalid pension to Charles Appleton;

H. R. 462. An act granting an invalid pension to Hugh Baker;

H. R. 463. An act granting an invalid pension to Samuel Hamilton;

H. R. 465. An act granting a pension to Mary Shircliff, widow of John Shircliff;

H. R. 466. An act granting an invalid pension to Thomas Glasgow;

H. R. 507. An act authorizing the Secretary of the Interior to issue a land warrant to Daniel Davis;

H. R. 517. An act for the relief of George F. Means;

H. R. 520. An act directing the conveyance of a lot of ground for the use of the public schools of the city of Washington;

H. R. 521. An act to incorporate the "East Washington Library Association;"

H. R. 522. An act to incorporate the Metropolitan Gas Light Company in the District of Columbia; and

It concurs in the amendment of the Senate to the bill (H. R. 637) to settle the titles to certain lands, set apart for the use of certain half-breed Kansas Indians in Kansas Territory.

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JOURNAL

OF THE

SENATE OF THE UNITED STATES

OF AMERICA,

BEING THE

SECOND SESSION OF THE THIRTY-SIXTH CONGRESS;

BEGUN AND HELD

AT THE CITY OF WASHINGTON,

DECEMBER 3, 1860,

IN THE EIGHTY-FIFTH YEAR OF THE INDEPENDENCE OF THE UNITED STATES.

WASHINGTON:
GEORGE W. BOWMAN, SENATE PRINTER.
1860–'61.

LIS - 5b

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upon the bill (H. R. 866) to supply deficiencies in the appropriations for the service of the fiscal year ending June 30, 1861.

Ordered, That the Vice-President be authorized to appoint a member on the committee of conference on the diagreeing votes of the two houses on the bill (H. R. 866) last mentioned, in the place of Mr. Fessenden; and

The Vice-President appointed Mr. Gwin.

Ordered, That the Secretary notify the House of Representatives thereof.

The Senate resumed the consideration of the motion to print additional copies of the message of the President of the United States, communicating resolutions passed by the legislature of Virginia in favor of a peaceable adjustment of the questions which now threaten the Union; and,

While Mr. Wigfall was engaged in debate, a disorder arose in the gallery to the right of the Chair.

On motion by Mr. Chandler,

Ordered, That the Vice-President direct the Sergeant-at-Arms to clear the galleries to the right of the Chair; and

The President (Mr. Foot in the chair) thereupon directed the Sergeant-at-Arms to clear the galleries to the right of the Chair; and,

The Sergeant-at-Arms having executed the order of the President of the Senate, and order being restored,

The debate was resumed; and,

On motion by Mr. Wilson,

Ordered, That the further consideration of the motion to print additional copies of the message of the President be postponed to and made the special order of the day for Monday next, at one o'clock.

On motion by Mr. Powell,

The Senate adjourned.

FRIDAY, FEBRUARY 8, 1861.

The Vice-President laid before the Senate a report of the Secretary of War, communicating, in compliance with a resolution of the Senate of the 30th ultimo, the report of Captain J. H. Simpson, of the topographical engineers, on his explorations across the great basin of Utah Territory for a direct wagon route from Camp Floyd to Genoa, in Carson Valley, in 1859; which was read.

On motion by Mr. Latham, that the report be printed, and that additional copies thereof be printed,

Ordered, That the motion be referred to the Committee on Printing.

The Vice-President laid before the Senate a report of the Secretary of War, communicating, in obedience to law, a statement of the contingent expenses of the military establishment of the United States for the year 1860; which was read.

Ordered, That it lie on the table.

The Vice-President laid before the Senate a report of the Secretary of the Senate, communicating, in obedience to law, a statement of the

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SEC. 7. *And be it further enacted, That the Secretary of the Treasury shall not be obliged to accept the most favorable bids as hereinbefore provided, unless he shall consider it advantageous to the United States to do so; but for any portion of such loan not taken under the first advertisement, he may advertise again at his discretion.*

J. A. PEARCE,
WM. M. GWIN,
H. B. ANTHONY,
Managers on the part of the Senate.
JOHN SHERMAN,
JOHN S. PHELPS,
THADDEUS STEVENS,
Managers on the part of the House of Representatives.

The Senate proceeded to consider the report; and,

On motion by Mr. Pearce,

Resolved, That the Senate concur therein.

Ordered, That the Secretary notify the House of Representatives thereof.

A message from the House of Representatives, by Mr. Hayes, chief clerk:

Mr. President: The House of Representatives has passed the resolution of the Senate (S. 58) authorizing Lieutenant T. A. M. Craven, United States Navy, to receive certain marks of distinction tendered him by the Spanish government; and

It has passed the bill of the Senate (S. 10) in addition to "an act to promote the progress of the useful arts," with amendments, in which it requests the concurrence of the Senate.

The House of Representatives has passed a bill (H. R. 924) granting an invalid pension to John Rogers, of Tennessee, in which it requests the concurrence of the Senate.

The House of Representatives having ordered the printing of certain documents, I am directed to notify the Senate thereof.

The President of the United States approved and signed the 5th instant the following acts:

H. R. 670. An act granting an increase of pension to William G. Bernard, late a soldier in the United States Army.

H. R. 876. An act for the benefit of Gabriel J. Johnston.

H. R. 919. An act for the relief of T. M. Beauchamp and Betsy D. Townsend.

Mr. Doolittle, from the Committee on Indian Affairs, to whom was referred the bill (S. 469) for the relief of A. H. Jones and H. M. C. Brown, reported it without amendment.

On motion by Mr. Wade,

The Senate proceeded to consider, as in Committee of the Whole, the joint resolution (H. R. 71) extending the time for taking testimony on the application of Cyrus H. McCormick for the extension of his patent; and,

On motion by Mr. Pugh, that the resolution be referred to the Committee on Patents and the Patent Office,

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taking testimony on the application of Cyrus H. McCormick for the extension of his patent, and they were delivered to the committee to be presented to the President of the United States.

The Senate proceeded to consider the amendments of the House of Representatives to the bill (S. 10) in addition to "an act to promote the progress of the useful arts."

On motion by Mr. Bigler,

Ordered, That they be referred to the Committee on Patents and the Patent Office.

The bills this day received from the House of Representatives for concurrence were read the first and second times by unanimous consent.

Ordered, That the bill numbered 924 be referred to the Committee on Pensions; that the bill numbered 979 be referred to the Committee on Commerce; that the bill numbered 980 be referred to the Committee on Public Lands; and that the bill numbered 981 be referred to the Committee on Private Land Claims.

The following message was received from the President of the United States, by Mr. Glossbrenner, his Secretary:

To the Senate and House of Representatives:

I deemed it a duty to transmit to Congress, with my message of the 8th of January, the correspondence which occurred in December last between the "commissioners" of South Carolina and myself.

Since that period, on the 14th January Colonel Isaac W. Hayne, the attorney general of South Carolina, called and informed me that he was the bearer of a letter from Governor Pickens to myself, which he would deliver the next day. He was, however, induced, by the interposition of Hon. Jefferson Davis and nine other senators from the seceded and seceding States, not to deliver it on the day appointed, nor was it communicated to me until the 31st of January, with his letter of that date. Their letter to him urging this delay bears date January 15, and was the commencement of a correspondence, the whole of which in my possession I now submit to Congress. A reference to each letter of the series, in proper order, accompanies this message.

JAMES BUCHANAN.

WASHINGTON, *February* 8, 1861.

The message was read.

On motion by Mr. Collamer,

Ordered, That it lie on the table and be printed.

On motion by Mr. Simmons, that the Senate proceed to the consideration of the bill (H. R. 338) to provide for the payment of outstanding treasury notes, to authorize a loan, to regulate and fix the duties on imports, and for other purposes,

It was determined in the affirmative, { Yeas..... 26 / Nays..... 23

On motion on by Mr. Cameron,

The yeas and nays being desired by one fifth of the senators present, Those who voted in the affirmative are,

Messrs. Anthony, Bigler, Bingham, Cameron, Chandler, Clark,

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King, Morrill, Seward, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, Wilson.

So the motion was agreed to; and,

After the consideration of executive business,

The Senate adjourned.

WEDNESDAY, FEBRUARY 13, 1861.

Mr. Bingham reported from the committee that they this day presented to the President of the United States the following enrolled bills and joint resolutions:

S. 111. An act for the relief of Aaron H. Palmer.

S. 531. An act to change the name of the schooner "Augusta" to "Colonel Cook."

H. R. 545. An act granting a pension to Gregory Patti.

S. 58. Resolution authorizing Lieutenant T. A. M. Craven, United States Navy, to receive certain marks of distinction tendered him by the Spanish government.

H. R. 57. Resolution for the benefit of Duvall & Brothers.

A message from the House of Representatives, by Mr. Hayes, chief clerk:

Mr. President: The House of Representatives has passed the bill of the Senate (S. 547) for the relief of the parish of St. Matthew's Church of the city of Washington.

The House of Representatives having ordered the printing of certain documents, I am directed to notify the Senate thereof.

I am directed by the House of Representatives to inform the Senate that the House is now ready to receive the Senate for the purpose of proceeding to open and count the votes of the electors of the several States for President and Vice-President of the United States.

Thereupon,

On motion by Mr. Bigler,

The Senate repaired to the chamber of the House of Representatives.

The two Houses of Congress being there assembled, the certificates of the electors of the several States for President and Vice-President of the United States were, in their presence, opened by the Vice-President and delivered to the tellers, who, having read and ascertained the number of votes, presented to the Vice-President a list thereof, as follows:

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Mr. Bigler, from the Committee on Patents and the Patent Office, to whom were referred the amendments of the House of Representatives to the bill of the Senate (S. 10) in addition to "An act to promote the progress of the useful arts," reported thereon.

The Senate proceeded to consider the amendments of the House of Representatives to the bill last mentioned; and,

On motion by Mr. Bigler,

Resolved, That the Senate agree to the first, second, third, fifth, sixth, ninth, and tenth amendments, and disagree to the fourth and seventh amendments of the House of Representatives to the said bill; and that it agree to the eighth and eleventh amendments of the House with amendments.

Ordered, That the Secretary notify the House of Representatives thereof.

On motion by Mr. Wade,

The Senate resumed, as in Committee of the Whole, the consideration of the joint resolution (H. R. 62) for the benefit of George H. Giddings; and,

On motion by Mr. Clingman,

Ordered, That the further consideration thereof be postponed to to-morrow.

On motion by Mr. Cameron,

The Senate resumed, as in Committee of the Whole, the consideration of the bill (H. R. 338) to provide for the payment of outstanding treasury notes, to authorize a loan, to regulate and fix the duties on imports, and for other purposes; and,

After debate,

The Senate adjourned.

THURSDAY, FEBRUARY 14, 1861.

Mr. Johnson, of Arkansas, from the Committee on Public Lands, to whom was referred the bill (H. R. 841) making further provision in relation to consolidated land offices, reported it without amendment.

Mr. King presented a petition of citizens of New York, praying that the public lands may be laid out in farms and lots of limited size for the free and exclusive use of actual settlers.

Ordered, That it lie on the table.

Mr. Cameron presented a petition of citizens of Lancaster county, Pennsylvania, and a petition of citizens of Lehigh county, Pennsylvania, praying the adoption of the compromise measures proposed by Mr. Crittenden.

Ordered, That they lie on the table.

Mr. Cameron presented a petition of citizens of Pittsburg and Allegheny county, Pennsylvania, praying the enactment of such laws as will save the country.

Ordered, That it lie on the table.

Mr. Cameron presented six petitions of citizens of Philadelphia and two petitions of citizens of Allegheny county, Pennsylvania, in favor of the Union, the Constitution, and the enforcement of the laws.

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It was determined in the negative, { Yeas ..... 14 / Nays..... 27

On motion by Mr. Gwin,

They yeas and nays being desired by one fifth of the senators present,

Those who voted in the affirmative are,

Messrs. Bragg, Clingman, Gwin, Hemphill, Hunter, Johnson, of Tennessee, Lane, Latham, Mason, Nicholson, Pearce, Polk, Powell, Rice.

Those who voted in the negative are,

Messrs. Anthony, Bigler, Bingham, Chandler, Clark, Collamer, Crittenden, Dixon, Doolittle, Douglas, Durkee, Fessenden, Foot, Foster, Grimes, Hale, Harlan, King, Morrill, Seward, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, Wilson.

The reported amendments having been further amended and agreed to; and

An amendment being proposed by Mr. Seward,

After debate,

On motion by Mr. Gwin,

The Senate adjourned.

SATURDAY, FEBRUARY 16, 1861.

The Vice-President being absent, the Secretary called the Senate to order.

On motion by Mr. Powell, and by unanimous consent,

Resolved, That Mr. Foot be appointed President of the Senate *pro tempore*.

Mr. Foot thereupon took the chair.

The bill (H. R. 655) granting a pension to Prentis Champlain was read the first and second times by unanimous consent, and referred to the Committee on Pensions.

The bill (H. R. 996) for the relief of Azel Spalding was read the first and second times by unanimous consent, and referred to the Committee on Claims.

The President *pro tempore* announced that the Vice-President had signed the following enrolled bills and joint resolution, and they were delivered to the committee to be presented to the President of the United States:

S. 551. An act for the relief of Hockaday & Ligget.

S. 547. An act for the relief of the parish of St. Matthew's Church, of the city of Washington.

H. R. 39. Joint resolution directing the accounting officers of the Treasury to settle the accounts of the late Robert Stockton, quartermaster, &c.

On motion by Mr. Hale, from the Committee on Naval Affairs, that the vote on yesterday, excusing Mr. Thomson for further service as a member of the Committee on Naval Affairs, be reconsidered.

It was determined in the affirmative; and

On the question to agree to the motion of Mr. Thomson, that he be excused from further service on the said commmittee,

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S. 274. An act for the relief of Townsend Harris, or his heirs or legal representatives.

Mr. Bingham reported from the committee that they this day presented to the President of the United States the following enrolled bills and resolution:

S. 547. An act for the relief of the parish of St. Matthew's Church, of the city of Washington.

S. 551. An act for the relief of Hockaday & Ligget.

H. R. 39. Joint resolution directing the accounting officers of the Treasury to settle the accounts of the late Robert Stockton, quartermaster, &c.

A message from the House of Representatives, by Mr. Forney, its Clerk:

Mr. President: The House of Representatives has agreed to the amendments of the Senate to the bill (H. R. 554) to extend the right of appeal from decisions of circuit courts to the Supreme Court of the United States; and

It has passed the bill of the Senate (S. 154) for the relief of Randall Pegg.

The House of Representatives insists on its amendments to the bill of the Senate (S. 10) in addition to "An act to promote the progress of the useful arts," disagreed to by the Senate, disagrees to the amendments of the Senate to certain other amendments of the House of Representatives to the said bill, asks a conference on the disagreeing votes of the two houses thereon, and has appointed Mr. Niblack, Mr. Hoard, and Mr. E. B. Washburne members at the same on its part.

The Speaker of the House of Representatives having signed four enrolled bills (S. 125,) (S. 274,) (H. R. 554,) and (H. R. 623,) and an enrolled resolution (H. R. 62,) I am directed to bring them to the Senate for the signature of its President.

The House of Representatives having ordered the printing of certain documents, I am directed to notify the Senate thereof.

Mr. Wilson submitted the following resolution for consideration:

Resolved, That on and after Monday next the daily hour of meeting of the Senate shall be eleven o'clock, until otherwise ordered.

On motion by Mr. Bigler,

The Senate proceeded to consider the amendments of the House of Representatives to the bill of the Senate (S. 10) in addition to "An act to promote the progress of the useful arts," disagreed to and amended by the Senate; and

On motion by Mr. Bigler,

Resolved, That the Senate insist upon its disagreement to the amendments of the House of Representatives to the said bill, insisted on by the House, and upon its amendments to other amendments of the House of Representatives thereto disagreed to by the House, and that it agree to the conference asked by the House on the disagreeing votes of the two houses thereon.

On motion by Mr. Bigler,

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On the question to agree to the amendment of Mr. Wilkinson, as amended,

It was determined in the affirmative.

No further amendment being proposed, the bill was reported to the Senate; and

On motion by Mr. Pearce,

The Senate adjourned.

WEDNESDAY, FEBRUARY 27, 1861.

Mr. Crittenden presented a petition of citizens of Muhlenburg county, Kentucky, and a petition of citizens of Iowa, praying the adoption of the compromise measures proposed by Mr. Crittenden.

Ordered, That they lie on the table.

Mr. Trumbull presented a petition of citizens of Tuscola, Douglas county, Illinois, in favor of the Constitution and laws as they are, and opposed to all compromises.

Ordered, That it lie on the table.

Mr. Ten Eyck presented a petition of citizens of the United States, in favor of any just and equitable compromise of our national difficulties, and opposed to the secession of any State except South Carolina, which may be allowed to come in and go out whenever she pleases.

Ordered, That it lie on the table.

Mr. Sumner presented a memorial of citizens of western Pennsylvania, praying the cessation of the mails on the Sabbath, and that a stop may be put to all other violations of that day; which was referred to the Committee on Post Offices and Post Roads.

Mr. Sumner presented a memorial of citizens of western Pennsylvania, praying the repeal of the fugitive slave law, the abolishment of slavery in the District of Columbia, the ultimate extinction of slavery, protection of the liberty of speech and the press, and the curtailment of executive patronage.

Ordered, That it lie on the table.

Mr. Wilson presented a petition of republicans of Newburyport, Massachusetts, against the adoption of the compromise measures proposed by Mr. Crittenden.

Ordered, That it lie on the table.

Mr. Mason, from the Committee on Foreign Relations, to whom the subject was referred, reported a joint resolution (S. 67) authorizing W. H. Smiley, United States commercial agent at the Falkland Islands, to receive a telescope tendered to him by the Belgian government; which was read the first and second times by unanimous consent, and considered as in Committee of the Whole; and, no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said resolution was read the third time by unanimous consent.

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

Mr. Bigler presented a petition of citizens of Franklin county, Penn-

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cause to be executed, releases, as required by the fourth article of said treaty, to the parties holding "possessory" or "equitable possessory claims" to said lands, under said treaty, as appears of record in the land office of Maine; and that it appears to the satisfaction of the land agent of said State that such releases do confirm and quit the title to such lands, as required by the treaty: And provided also, That if there shall be a partial failure to make or procure such releases as herein provided a proportional deduction shall be made from the compensation herein provided.

A question of order was raised by Mr. Pearce, whether the proposed amendment was in order under the 30th rule.

The President (Mr. Bright in the chair) submitted the question of order to the decision of the Senate.

Is the proposed amendment in order under the 30th rule?

It was determined in the negative.

No further amendment being proposed,

Ordered, That the amendments be engrossed and the bill read a third time.

The said bill, as amended, was read the third time.

Resolved, That it pass.

Ordered, That the Secretary request the concurrence of the House of Representatives in the amendments.

A message from the House of Representatives, by Mr. Forney, its Clerk:

Mr. President: The House of Representatives has agreed to the report of the committee of conference on the disagreeing votes of the two houses on the bill (H. R. 338) to provide for the payment of outstanding treasury notes, to authorize a loan, to regulate and fix the duties on imports, and for other purposes.

The House of Representatives has agreed to the report of the committee of conference on the disagreeing votes of the two houses on the bill (S. 10) in addition to "an act to promote the progress of the useful arts."

The House of Representatives further insists upon its amendment to the said bill, upon which the committee of conference were unable to agree, asks a further conference on the disagreeing votes of the two houses thereon, and has appointed Mr. Cox, Mr. Frank, and Mr. Barr managers at the same on its part.

The Speaker of the House of Representatives having signed three enrolled bills, (S. 366,) (H. R. 714,) and (H. R. 864,) I am directed to bring them to the Senate for the signature of its President.

The House of Representatives having ordered the printing of certain documents, I am directed to notify the Senate thereof.

Mr. Bingham reported from the committee that they had examined and found duly enrolled the bill (S. 366) to provide a temporary government for the Territory of Colorado.

Mr. Bigler, from the committee of conference on the disagreeing votes of the two houses on the bill (S. 10) in addition to "an act to promote the progress of the useful arts," submitted the following report:

"The committee of conference on the disagreeing votes of the two houses on the amendments to the bill (S. 10) entitled 'An act in

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addition to an act to promote the progress of the useful arts' having met, and after a full and free conference thereon, agreed to report and do report as follows:

"The House recedes from its fourth amendment striking out the seventh section of the bill.

"The Senate agrees to the seventh amendment of the House with the following amendment, to wit:

"Strike out [twenty] in the second line of said seventh amendment, and in lieu thereof insert *fifteen*.

"And in the same line strike out [ten] and in lieu thereof insert *fifteen*.

"In line 4 of said seventh amendment strike out [ten] and insert in lieu thereof *twenty*.

"The Senate recedes from its non-concurrence in the House amendment striking out lines 14 and 15 in section 10, and also from its non-concurrence in the House amendment striking out the word [twelve] and inserting the word *ten*.

"The House recedes from its non-concurrence in the Senate amendment to the eighth amendment of the House striking out the words [or any new and original design for the printing of woolen, silk, cotton, or other fabrics, or any new.]

"The House recedes from its non-concurrence in the Senate amendment to section 14 striking out the word [of] and inserting in lieu thereof the word *and*.

"On the point of difference in the sixteenth section the committee could not agree, and recommend the appointment of another committee of conference on that point."

WILLIAM BIGLER,
HENRY WILSON,
HENRY M. RICE,
Managers on the part of the Senate.
WILLIAM E. NIBLACK,
C. B. HOARD,
ELLIHU B. WASHBURNE,
Managers on the part of the House of Representatives.

The Senate proceeded to consider the report; and,

On motion by Mr. Bigler,

Resolved, That the Senate concur therein.

The Senate proceeded to consider the amendment of the House of Representatives to the bill (S. 10) last mentioned, upon which the committee of conference were unable to agree; and,

On motion by Mr. Bigler,

Resolved, That the Senate insist upon its disagreement to the said amendment, and agree to the further conference asked by the House on the disagreeing votes of the two houses thereon.

On motion by Mr. Bigler,

Ordered, That the committee of conference on the part of the Senate be appointed by the Vice-President; and

Mr. Douglas, Mr. Cameron, and Mr. Fitch were appointed.

Ordered, That the Secretary notify the House of Representatives thereof.

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On motion by Mr. Green, that the Senate adjourn,

It was determined in the affirmative, { Yeas..... 23 / Nays..... 22.

On motion by Mr. Crittenden,

The yeas and nays being desired by one fifth of the senators present,

Those who voted in the affirmative are,

Messrs. Bingham, Chandler, Clark, Clingman, Collamer, Dixon, Douglas, Durkee, Fessenden, Foot, Green, Grimes, Gwin, Harlan, King, Nicholson, Seward, Simmons, Sumner, Trumbull, Wade, Wilkinson, Wilson.

Those who voted in the negative are,

Messrs. Anthony, Bigler, Bragg, Bright, Crittenden, Fitch, Foster, Hemphill, Hunter, Johnson, of Arkansas, Johnson, of Tennessee, Kennedy, Lane, Latham, Mason, Polk, Powell, Pugh, Rice, Sebastian, Ten Eyck, Wigfall.

Whereupon

The Senate adjourned.

SATURDAY, MARCH 2, 1861.

The Senate proceeded to consider the amendments of the House of Representatives to the amendments of the Senate to the bill of the House (H. R. 899) making appropriations for the support of the Army for the year ending the 30th of June, 1862, and its amendments to the said bill disagreed to by the House; and,

On motion by Mr. Fessenden,

Resolved, That the Senate disagree to the amendments of the House of Representatives to the amendments of the Senate to the bill (H. R. 899) last mentioned, insist on its amendments to the said bill disagreed to by the House, and ask a conference on the disagreeing votes of the two houses thereon.

On motion by Mr. Fessenden,

Ordered, That the committee of conference on the part of the Senate be appointed by the Vice-President; and

Mr. Fessenden, Mr. Latham, and Mr. Bragg were appointed.

Ordered, That the Secretary notify the House of Representatives thereof.

Mr. Pearce, from the committee of conference on the disagreeing votes of the two houses on the bill (H. R. 865) making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes for the year ending the 30th of June, 1862, made the following report:

"The committee of conference on the disagreeing votes of the two houses on the amendments to the bill (H. R. 865) "making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1862," having met, after full and free conference, have agreed to recommend to their respective houses as follows:

"That the House recede from its disagreement to the Senate's eigh-

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at the discretion of the Secretary of the Treasury, in bonds of the United States, authorized by law at the present session of Congress.''

G. E. PUGH,
A. O. P. NICHOLSON,
J. R. DOOLITTLE,
Managers on the part of the Senate.
W. A. HOWARD,
JUSTIN S. MORRIL,
J. W. STEVENSON,
Managers on the part of the House of Representatives.

The Senate proceeded to consider the report; and

On motion by Mr. Pugh,

Resolved, That the Senate concur therein.

Ordered, That the Secretary notify the House of Representatives thereof.

Mr. Douglas, from the second committee of conference on the disagreeing votes of the two houses on the bill (S. 10) to amend ''An act in addition to an act to promote the progress of the useful arts,'' made the following report:

''The committee of conference on the disagreeing votes of the two houses on the amendments to the bill (S. 10) entitled ''An act in addition to an act to promote the progress of the useful arts,'' having met, and, after a full and free conference thereon, agreed to report and do report as follows: Strike out all after the word ''that,'' in the sixteenth section, and insert the following: *All patents hereafter granted shall remain in force for the term of seventeen years from the date of issue, and all extension of such patents is hereby prohibited.*

S. A. DOUGLAS,
G. N. FITCH,
Managers on the part of the Senate.
S. S. COX,
AUGUSTUS FRANK,
THOS. J. BARR,
Managers on the part of the House of Representatives.

The Senate proceeded to consider the report; and

On motion by Mr. Douglas,

Resolved, That the Senate concur therein.

Ordered, That the Secretary notify the House of Representatives thereof.

The Vice-President signed the enrolled bill (H. R. 852) for the relief of certain Chippewa, Ottawa, and Pottawatomie Indians, and it was delivered to the committee to be presented to the President of the United States.

Mr. Bingham reported from the committee that they had examined and found duly enrolled the following bills and joint resolutions:

S. 19. An act legalizing certain entries of lands on Leavenworth Island, in the State of Missouri.

S. 459. An act for the relief of Commander Thomas J. Page, United States Navy.

S. 524. An act authorizing the Secretary of the Treasury to issue a

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protection to be given to citizens of the United States who may discover deposits of guano," approved August 18, 1856.

H. R. 203. An act to enable the trustees of the Bluemont College to preëmpt a certain quarter section of land, and for other purposes.

The Senate proceeded to consider the resolution of the House of Representatives for the appointment of a joint committee to wait on the President of the United States and inform him that the two houses of Congress, having finished the business before them, unless he may have some further communication to make, are now ready to adjourn.

On motion by Mr. Bigler,

Resolved, That the Senate concur in the resolution.

Ordered, That the committee on the part of the Senate be appointed by the Vice-President; and

Mr. Rice and Mr. Simmons were appointed.

Ordered, That the Secretary notify the House of Representatives thereof.

A message from the House of Representatives, by Mr. Forney, its Clerk:

Mr. President: The House of Representatives has passed the following bill and joint resolution of the Senate:

S. 215. An act to amend the provisions of the fifty-sixth section of an act to regulate the collection of duties on imports and tonnage, approved March 2, 1799.

S. 72. A resolution to correct certain errors in the act entitled "An act to provide for the payment of outstanding treasury notes, to authorize a loan, to regulate and fix the duties on imports, and for other purposes," approved March 2, 1861.

The Speaker of the House of Representatives having signed an enrolled bill, (S. 10,) I am directed to bring it to the Senate for the signature of its President.

Mr. Bingham reported from the committee that they had presented to the President of the United States the following enrolled bills:

H. R. 203. An act to enable the trustees of the Bluemont College to preëmpt a certain quarter section of land, and for other purposes.

H. R. 975. An act for the confirmation of the title to the saline lands in Jackson county, State of Illinois, to D. H. Brush and others.

A message from the House of Representatives, by Mr. Forney, its Clerk:

Mr. President: The Speaker of the House of Representatives having signed an enrolled bill (S. 215) and an enrolled resolution, (S. 72,) I am directed to bring them to the Senate for the signature of its President.

Mr. Powell reported from the committee that they had examined and found duly enrolled the following bills and resolution:

S. 10. An act in addition to "An act to promote the progress of the useful arts."

S. 215. An act to amend the provisions of the fifty-sixth section of "An act to regulate the collection of duties on imports and tonnage," approved the 2d of March, 1799.

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S. 72. A resolution to correct certain errors in the act entitled "An act to provide for the payment of outstanding treasury notes, to authorize a loan, to regulate and fix the duties on imports, and for other purposes," approved the 2d of March, 1861.

The Vice-President signed the two enrolled bills (S. 10) and (S. 215) and the enrolled resolution (S. 72) last reported to have been examined, and they were delivered to the committee to be presented to the President of the United States.

Mr. Powell reported from the committee that they had presented to the President of the United States the following enrolled bills and joint resolution.

S. 10. An act in addition to an act to promote the progress of the useful arts.

S. 215. An act to amend the provisions of the fifty-sixth section of an act to regulate the collection of duties on imports and tonnage, approved March 2, 1799.

S. 72. A resolution to correct certain errors in the act entitled "An act to provide for the payment of outstanding treasury notes, to authorize a loan, to regulate and fix the duties on imports, and for other purposes," approved March 2, 1861.

A message from the President of the United States, by Mr. Glossbrenner, his Secretary:

Mr. President: The President of the United States this day approved and signed the following acts and resolution:

S. 10. An act in addition to an act to promote the progress of the useful arts.

S. 215. An act to amend the provisions of the fifty-sixth section of an act to regulate the collection of duties on imports and tonnage, approved March 2, 1799.

S. 72. A resolution to correct certain errors in the act entitled "An act to provide for the payment of outstanding treasury notes, to authorize a loan, to regulate and fix the duties on imports, and for other purposes," approved March 2, 1861.

Ordered, That the Secretary notify the House of Representatives thereof.

Mr. Hale, from the Committee on Pensions, to whom was referred the bill (H. R. 1001) for the relief of Edward Williams, reported it without amendment.

The Senate proceeded to consider the said bill, as in Committee of the Whole, the blanks in the bill having been filled; and, no further amendment proposed, the bill was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read the third time.

Resolved, That it pass.

Ordered, That the Secretary notify the House of Representatives thereof.

Mr. Johnson, of Tennessee, from the Committee to Audit and Control the Contingent Expenses of the Senate, who were instructed, by a resolution of the Senate of the 18th of June, 1860, to inquire and report to the Senate the number of persons employed by the Senate,

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U. S. Congress. House.

X re S.10

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BEING

THE FIRST SESSION OF THE THIRTY-SIXTH CONGRESS;

BEGUN AND HELD

AT THE CITY OF WASHINGTON,

DECEMBER 5, 1859,

IN THE EIGHTY-FOURTH YEAR OF THE INDEPENDENCE OF THE UNITED STATES.

WASHINGTON:
THOMAS H. FORD, PRINTER.
1859.

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of the bill of the House (H. R. 446) for the relief of Erastus Hutchins, and the House proceeded to its consideration.

Mr. Gartrell moved to amend the same by striking out the words "21st day of May, 1858," and inserting in lieu thereof the words "*first day of January, eighteen hundred and sixty;*" which motion was agreed to.

Ordered, That the said bill be engrossed and read a third time.

Being engrossed, it was accordingly read the third time and passed.

Ordered, That the Clerk request the concurrence of the Senate therein.

Mr. Tompkins moved that the vote by which the said bill was passed be reconsidered, and also moved that the motion to reconsider be laid on the table; which latter motion was disagreed to.

On motion of Mr. Noell, by unanimous consent, the Committee of the Whole House were discharged from the further consideration of the bill of the Senate (S. 49) to grant the right of pre-emption to a certain tract of land in the State of Missouri to the heirs and legal representatives of Thomas Maddin, deceased; and the House proceeded to its consideration.

Ordered, That the said bill be read a third time.

It was accordingly read the third time and passed.

Ordered, That the Clerk acquaint the Senate therewith.

Mr. Noell moved that the vote by which the said bill was passed be reconsidered, and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

On motion of Mr. Cox, by unanimous consent, the Committee of the Whole House were discharged from the further consideration of the bill of the House (H. R. 529) granting a pension to Martha Sanderson, widow of Major Winslow F. Sanderson, and the House proceeded to its consideration.

The Speaker having stated the question to be on agreeing to the pending amendment thereto, viz: Strike out, in line 6, (printed bill,) the words "thirty-five," and insert in lieu thereof the words *twenty-five*—

The said amendment was agreed to.

Ordered, That the bill be engrossed and read a third time.

Being engrossed, it was accordingly read the third time and passed.

Ordered, That the Clerk request the concurrence of the Senate therein.

Mr. Cox moved that the vote by which the said bill was passed be reconsidered, and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

And then,

On motion of Mr. Branch, at 3 o'clock p. m., the House adjourned.

MONDAY, MAY 28, 1860.

The following petitions and memorials were laid upon the Clerk's table, under the 24th rule of the House, to wit:

By Mr. Fenton: The petition of Amanda Batts, Laura P. W. Young,

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for arming and equipping the whole body of the militia of the United States," reported the same with an amendment.

Ordered, That the said bill and amendment be committed to the Committee of the Whole House on the state of the Union, and printed.

By unanimous consent, leave was granted to Mr. Jenkins to submit the views of a minority of the said committee on the said bill.

A message from the Senate, by Mr. Hickey, their Chief Clerk:

Mr. Speaker: The Senate have passed a bill and resolution of the following titles, viz:

S. 10. An act in addition to "An act to promote the progress of the useful arts;

S. Res. 31. A resolution explanatory of the eighth section of the act of Congress approved February 28, 1859;

in which I am directed to ask the concurrence of this House.

The Senate have agreed to the amendment of this House to the resolution of the Senate (S. Res. 8) relating to the claim of George Fisher, late of Florida, deceased.

The Senate have passed a bill of the House of the following title, viz:

H. R. 215. An act making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1861;

with sundry amendments; in which I am directed to ask the concurrence of this House.

The President of the United States has notified the Senate that he did, on the 25th instant, approve and sign a bill and resolution of the following titles, viz:

S. 60. An act for the relief of Ann Scott; and

S. Res. 28. A resolution for the relief of A. M. Fridley, late agent for the Winnebago Indians.

I am also directed to notify the House of the orders of the Senate to print certain documents.

On motion of Mr. H. Winter Davis, by unanimous consent,

Ordered, That the bill of the House No. 215, (Indian appropriations,) with the amendments of the Senate thereto, be referred to the Committee of Ways and Means.

Mr. Davidson, from the Committee on Enrolled Bills, reported that the Committee had examined and found truly enrolled bills of the following titles, viz:

S. 106. An act authorizing the "Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States" to enter a certain tract of land in the State of Wisconsin;

S. 253. An act for the relief of the legal representatives of Wetonsaw, son of James Conner;

S. 373. An act for the relief of William P. Bowhay; and

S. 468. An act to amend an act entitled "An act to organize an institution for the insane of the army and navy and of the District of Columbia, in the said District."

When

The Speaker signed the same.

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for leave to introduce a bill granting a pension to General James Co, of Van Wert, Ohio, for services in the war of 1812.

And then,

On motion of Mr. J. Morrison Harris, at 4 o'clock and 30 minutes p. m., the House adjourned.

TUESDAY, MAY 29, 1860.

The following petitions and memorials were laid upon the Clerk's table, under the 24th rule of the House, to wit:

By Mr. Van Wyck: The petition of the heirs of Mary Clearwater, praying for a pension under the act of July 4, 1836;

Also, the petition of the heirs of George J. Denniston, praying full pay for two years' services of the said George J. Denniston as an assistant quartermaster in the revolutionary war.

Ordered, That the said petitions be referred to the Committee on Revolutionary Claims.

By Mr. Van Wyck: The petition of Sarah Bacon, widow of M. Bacon, praying for a pension; which was referred to the Committee on Invalid Pensions.

Also, the petition of the children of Hannah Dubois, widow of John Dubois, praying for a pension; which was referred to the Committee on Revolutionary Pensions.

By Mr. Davidson: The memorial of B. F. Taylor and other officers of the mint at New Orleans, praying for further legislation in relation to their powers and duties; which was referred to the Committee on Commerce.

By Mr. Noell: The petition of George P. Doan, administrator of W. A. Linn, praying for relief; which was referred to the Committee on the Judiciary.

By Mr. Hoard: The petition of F. E. Hassler, administrator of F. R. Hassler, praying indemnification for losses sustained while superintendent of the United States coast survey; which was referred to the Committee on Commerce.

By Mr. J. Morrison Harris: The memorial of Henry M. Fitzhugh, administrator of William Fitzhugh, asking compensation for losses incurred in the revolutionary war; which was referred to the Committee on Revolutionary Claims.

By Mr. Landrum: The petition of H. H. Womack, praying for the payment of six hundred and seventy-four dollars and eighty-seven cents alleged to be due him by the United States government; which was referred to the Committee of Claims.

By Mr. Edwards: The memorial of Ward Marston and other marine officers, praying for the allowance of arrearage of pay; which was referred to the Committee on Naval Affairs.

By Mr. McKean: The petition of Julius Pierce, praying for certain amendments to the bounty land laws; which was referred to the Committee on Invalid Pensions.

Mr. Theaker, from the Committee on Enrolled Bills, reported that

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the committee had examined and found truly enrolled a bill of the following title, viz:

H. R. 5. An act making appropriations for the support of the Military Academy for the year ending the 30th of June, 1861.

When

The Speaker signed the same.

On motion of Mr. Niblack, by unanimous consent, the bill of the Senate (S. 10) in addition to "An act to promote the progress of the useful arts" was taken from the Speaker's table, read a first and second time, and referred to the Committee on Patents.

A message from the Senate, by Mr. Hickey, their Chief Clerk:

Mr. Speaker: The Senate have passed a bill of this House of the following title, viz:

H. R. 640. An act for the relief of Wendell Trout;

with an amendment; in which I am directed to ask the concurrence of this House.

The Senate have also passed a bill of the following title, viz:

S. 450. An act to change the location of the custom-house for the district of Brazos de Santiago from Point Isabel to Brownsville, in the State of Texas;

in which I am directed to ask the concurrence of this House.

The Senate have disagreed to the amendment of this House to the bill of the Senate (S. 416) to secure homesteads to actual settlers on the public domain, and for other purposes.

The House then resumed, as the special order for this day, the further consideration of the bill of the House (H. R. 646) to secure contracts, and make provision for the safe, certain, and more speedy transportation, by railroad, of mails, troops, munitions of war, military and naval stores, between the Atlantic States and those of the Pacific, and for other purposes; the pending question being on the amendment submitted by Mr. Noell.

After debate, all further debate having been closed thereon,

The said amendment was read as follows, viz:

"Strike out of the first section of the bill all after the enacting clause to the word and inclusive of the word 'California,' in the 12th line, and insert in lieu thereof the following: '*That, to insure the safe and speedy transportation of mails, troops, and public stores from the valley of the Mississippi river to the Pacific coast by railroad, starting from a point on the western border of the State of Texas, between the thirty-fourth and thirty-sixth parallels of north latitude, and thence, proceeding by a single trunk line, by the nearest and best route, to the eastern boundary of the State of California.*'"

"Strike out the word 'one,' in the 32d line of the same section, and insert the word '*three.*'"

And the question being put, Will the House agree thereto?

It was decided in the negative.

So the said amendment was disagreed to.

Mr. John G. Davis submitted an amendment in the nature of a substitute for the said bill.

Pending which,

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towards the construction of the Little Falls bridge, had directed him to report the same without amendment.

On motion of Mr. Phelps, by unanimous consent,

Ordered, That the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill of the Senate (S. 202) to reimburse the corporation of Georgetown, in the District of Columbia, a sum of money advanced towards the construction of the Little Falls bridge, and that the House proceed to its consideration.

Ordered, That the said bill be read a third time.

It was accordingly read the third time and passed.

Ordered, That the Clerk acquaint the Senate therewith.

On motion of Mr. Phelps,

Ordered, That the bill of the House No. 697 (just reported from the Committee of the Whole) be laid on the table.

Mr. Carter moved that the House again resolve itself into the Committee of the Whole House on the state of the Union; which motion was disagreed to.

Mr. Ely then arose and announced the death of Silas M. Burroughs, late a member of this House from the State of New York, which took place at his residence in Medina, in that State. on the 3d instant.

After remarks upon the life and public services of the deceased,

Mr. Ely submitted the following resolutions; which were read and unanimously agreed to, viz:

Resolved, That this House has heard with deep sensibility the announcement of the death of Hon. Silas M. Burroughs, late a member of the House of Representatives from the State of New York.

Resolved, That, as a testimony of respect to the memory of the deceased, the members and officers of this House will wear the usual badge of mourning for thirty days.

Resolved, That the proceedings of this House in relation to the death of Silas M. Burroughs be communicated to the family of the deceased by the Clerk.

Resolved, That, as a further token of respect to the memory of the deceased, this House do now adjourn.

And the House accordingly adjourned.

MONDAY, JUNE 11, 1860.

The following petitions and memorials were laid upon the Clerk's table, under the 24th rule of the House, to wit:

By Mr. James Craig: The petition of the heirs of John Roberts, praying for commutation of half pay for services rendered in the war of the revolution; which was referred to the Committee on Revolutionary Claims.

By Mr. Vallandigham: The memorial of Charles K. Smith—heretofore referred February 4, 1858; which was referred to the Committee on the Territories.

By Mr. Pottle: The memorial of J. A. H. Hasbrouck & Company, offering to reprint the first series of the American State Papers; which was referred to the Committee on Printing.

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Speaker to continue the regular call of committees for reports until completed; after which, and during said morning hour, the committees shall be called for reports for commitment and printing only, and without debate.

Pending which,

Mr. Sherman moved the previous question; which was seconded and the main question ordered to be put.

Mr. Branch moved that the resolution be laid upon the table; which motion was disagreed to.

The question was then put, Will the House agree to the said resolution?

And it was decided in the affirmative—two-thirds voting in favor thereof.

Mr. Sherman moved that the vote last taken be reconsidered, and also moved that the motion to reconsider be laid upon the table; which latter motion was agreed to.

On motion of Mr. Scott, by unanimous consent, the bill of the Senate (S. 168) to amend an act entitled "An act to ascertain and settle private land claims in the State of Califorina," passed March 3, 1851, was taken up, read a first and second time, and referred to the Committee on the Judiciary.

The Speaker having proceeded to call the committees for reports under the resolution of the House of this date—

Mr. Niblack, from the Committee on Patents, to whom was referred the bill of the Senate (S. 10) in addition to "An act to promote the progress of the useful arts," reported the same with an amendment.

Pending the question on agreeing to the said amendment,

On motion of Mr. Hoard, under the operation of the previous question,

Ordered, That the further consideration of the said bill be postponed until the 2d Wednesday in December next.

Mr. Hoard moved that the vote last taken be reconsidered, and also moved that the motion to reconsider be laid upon the table; which latter motion was agreed to.

Mr. Frank, from the same committee, reported bills of the following titles, viz:

H. R. 826. A bill for the relief of Ezra Cornell, of Ithaca, New York;

H. R. 827. A bill for the relief of Frederick E. Sickles;

accompanied by reports in writing thereon; which bills were severally read a first and second time, committed to a Committee of the Whole House, made the order of the day for to-morrow, and the bills and reports ordered to be printed.

Mr. Ashmore, from the Committee on Mileage, to whom was referred the bill of the House (H. R. 607) to repeal an act entitled "An act to regulate the compensation of members of Congress," approved the 16th of August, 1856, reported the same with a recommendation that it do not pass.

Ordered, That the said bill be laid upon the table.

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X re S.10

U.S. Congress. House.

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BEING

THE SECOND SESSION OF THE THIRTY-SIXTH CONGRESS;

BEGUN AND HELD

AT THE CITY OF WASHINGTON,

DECEMBER 3, 1860,

IN THE EIGHTY-FIFTH YEAR OF THE INDEPENDENCE OF THE UNITED STATES.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1860.

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LEGISLATIVE INTENT SERVICE (800) 666-1917

The hour of 4 o'clock p. m. having arrived, the House, in pursuance of its order of yesterday, took a recess until 7 o'clock p. m.

AFTER THE RECESS.

The House resumed the consideration of the special order, viz: the report of the select committee of one from each State on the present condition of the country.

After debate,

On motion of Mr. Hutchins, at 10 o'clock and 16 minutes p. m., the House adjourned.

WEDNESDAY, FEBRUARY 6, 1861.

The following petitions, memorials, and other papers, were laid upon the Clerk's table, under the twenty-fourth rule of the House, to-wit:

By Mr. Pennington: The preamble and resolutions of the common council of the city of Newark, New Jersey, in regard to the present condition of the country.

By Mr. Moorhead: The memorial of citizens of Allegheny county, Pennsylvania, on the condition of the country.

By Mr. Thaddeus Stevens: The memorial of citizens of Philadelphia, praying Congress to stand firm for the Union, the Constitution as it is, and the enforcement of the laws.

Ordered, That the said preamble, resolutions, and memorials be laid upon the table.

By Mr. Eliot: The memorial of Charles Gordon—heretofore referred January 5, 1858; which was referred to the Committee on Accounts.

By Mr. Henry Winter Davis: The memorial of citizens of Prince George's county, Maryland, in favor of the compromise proposed by the border States committee; which was referred to the select committee of five on the special message of the President.

By Mr. Burnham: The memorial of citizens of Putnam, Connecticut, praying Congress to put down treason and rebellion.

By Mr. Niblack: The proceedings of a Union meeting held at Princeton, Indiana, in favor of the Crittenden amendments or border States compromise.

Ordered, That the said memorial and proceedings be referred to the select committee of five on the special message of the President.

By Mr. Isaac I. Stevens: The memorial of citizens of Washington Territory, asking an appropriation for a military road from at or near the mouth of the Columbia river to Fort Steilacoom; which was referred to the Committee on Military Affairs.

By Mr. Alley: The memorial of twelve hundred and thirty-one citizens of Lynn, Massachusetts, on the condition of the country; which was laid upon the table.

By Mr. Florence: The memorial of William Johnson, formerly of the United States navy, praying for an increase of pension; which was referred to the Committee on Invalid Pensions.

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A message from the Senate, by Mr. Hickey, their Chief Clerk:

Mr. Speaker: The Senate have disagreed to the amendments of this House to the amendments of the Senate; insist on the amendments of the Senate, disagreed to by the House, to the bill of the House (H. R. 866) to supply deficiencies in the appropriations for the service of the fiscal year ending June 30, 1861; ask a conference with the House on the disagreeing votes of the two houses thereon: and have appointed Mr. Fessenden, Mr. Green, and Mr. Harlan the managers at the said conference on the part of the Senate.

The Senate have passed a bill of the following title, viz:

S. 366. An act to provide a temporary government for the Territory of Colorado;

in which I am directed to ask the concurrence of this House.

On motion of Mr. Sherman, by unanimous consent,

Ordered, That the House insist on its amendments, disagreed to by the Senate, to the amendments of the Senate; insist on its disagreement to the amendments, insisted on by the Senate, to the bill of the House (H. R. 866) to supply deficiencies in the appropriations for the service of the fiscal year ending June 30, 1861; and agree to the conference asked by the Senate on the disagreeing votes of the two houses thereon.

Ordered, That Mr. Spaulding, Mr. Sedgwick, and Mr. H. Winter Davis be appointed the managers at the said conference on the part of the House.

Ordered, That the Clerk acquaint the Senate therewith.

Mr. Niblack having called up, as the report of a committee undisposed of, the bill of the Senate (S. 10) in addition to "An act to promote the progress of the useful arts"—heretofore reported from the Committee on Patents, with sundry amendments—the House proceeded to its consideration.

After debate,

Mr. Niblack, by unanimous consent, submitted certain additional amendments.

Pending which,

The morning hour having expired, the House resumed the consideration of the special order, viz: the report of the select committee of one from each State on the present condition of the country.

After debate,

At 3 o'clock and 45 minutes p. m. the House, by unanimous consent, took a recess until 7 o'clock p. m.

AFTER THE RECESS.

The House resumed the consideration of the special order.

After debate,

On motion of Mr. Hutchins, at 8 o'clock and 55 minutes p. m., the House adjourned.

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THURSDAY, FEBRUARY 7, 1861.

The following memorials, petitions, and other papers, were laid upon the Clerk's table, under the twenty-fourth rule of the House, to wit:

By Mr. Thaddeus Stevens: Six memorials of citizens of Philadelphia, praying Congress to stand firm for the Union, the Constitution as it is, and the enforcement of the laws; which were referred to the select committee of five on the special message of the President.

By Mr. Dunn: Three petitions of citizens of Brown county, Indiana, in favor of the Crittenden compromise; which were referred to the same committee.

By Mr. Aldrich: Additional testimony in the case of William B. Dodd; which was referred to the Committee on Military Affairs.

The Speaker, by unanimous consent, laid before the House a letter from the Acting Secretary of the Interior, transmitting, in compliance with a resolution of the House of the 24th of December last, papers in the case of Mary Woodbury and others, under the Sioux treaty; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. Millward, by unanimous consent, presented petitions of citizens of Philadelphia in favor of "the Union, the Constitution, and the enforcement of the laws;" which were laid on the table.

On motion of Mr. Grow, by unanimous consent,

Ordered, That the bill of the Senate (S. 366) to provide a temporary government for the Territory of Colorado be printed.

Mr. Spaulding, by unanimous consent, presented the petition of Philip D. Riley and five hundred other citizens of New York in favor of the Crittenden proposition; which was laid on the table.

The House having resumed the consideration of the bill of the Senate (S. 10) in addition to "An act to promote the progress of the useful arts"—the pending question being on the amendments submitted thereto by Mr. Niblack—

After debate,

Mr. Niblack moved the previous question; which was seconded and the main question ordered, and under the operation thereof the said amendments, together with the amendments reported from the Committee on Patents, were severally read and agreed to.

Under the further operation of the previous question, the bill was ordered to be read a third time.

It was accordingly read the third time.

Pending the question on its passage,

Mr. Phelps moved that the bill be laid on the table; which motion was disagreed to.

The question then recurred on its passage; and being put, it was decided in the affirmative.

So the bill was passed.

Mr. Cox moved that the vote last taken be reconsidered, and also

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The remaining amendments reported from the Committee of the Whole House on the state of the Union were then severally read and agreed to.

Ordered, That the bill be engrossed and read a third time.

Being engrossed, it was accordingly read the third time and passed.

Mr. Sherman moved that the vote last taken be reconsidered, and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

Ordered, That the Clerk request the concurrence of the Senate in the said bill.

Mr. Theaker, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title, viz:

S. 551. An act for the relief of Hockaday and Leggit.

When

The Speaker signed the same.

A message from the Senate, by Mr. Patton, one of their clerks:

Mr. Speaker: The Senate have passed a bill of this House of the following title, viz:

H. R. 841. An act making further provision in relation to consolidated land offices,

without amendment.

The Senate have also passed bills of the following titles, viz:

S. 472. An act for the relief of certain claimants to farm lots at Prairie du Chien, in the State of Wisconsin; and

S. 546. An act for the relief of Dexter R. Crocker;

in which I am directed to ask the concurrence of this House.

The Senate have also passed a resolution of this House of the following title, viz:

H. Res. 62. Joint resolution for the benefit of George H. Giddings, with amendments; in which I am directed to ask the concurrence of this House.

The Speaker having announced as the business in order the special order, viz: the report of the select committee of one from each State on the present condition of the country, the pending question being on the motion of Mr. Sherman to postpone its consideration—

Mr. Sherman withdrew the same.

After debate on the said report,

On motion of Mr. John B. Clark, at 4 o'clock and 35 minutes p. m., the House adjourned.

SATURDAY, February 16, 1861.

The following petitions, memorials, and other papers, were laid upon the Clerk's table, under the twenty-fourth rule of the House, to wit:

By Mr. Thaddeus Stevens: The memorial of citizens of Montgomery county, Pennsylvania, praying Congress to stand firm for the Union, the *Constitution as it is*, and the enforcement of the laws.

By Mr. Hickman: The petition of citizens of Chester county, Pennsylvania, of a like import.

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Bills and a resolution of the Senate of the following titles, viz:

S. Res. 63. A resolution for the relief of Mrs. E. A. H. Adams, George M. Thompson, and Thomas H. Green;

S. 472. An act for the relief of certain claimants to farm lots at Prairie du Chien, in the State of Wisconsin;

S. 546. An act for the relief of Dexter R. Crocker; and

S. 270. An act for the relief of John H. Wheeler;

were severally read a first and second time, and referred as follows, viz:

S. Res. 63, to the Committee on Naval Affairs;

S. 472, to the Committee on Public Lands;

S. 546, to the Committee on the Post Office and Post Roads; and

S. 270, to the Committee of the Whole House.

On motion of Mr. Moorhead, by unanimous consent, the Committee of the Whole House were discharged from the further consideration of the bill of the Senate (S. 154) for the relief of Randall Pegg; and the House proceeded to its consideration.

Ordered, That the said bill be read a third time.

Being engrossed, it was accordingly read the third time and passed.

Ordered, That the Clerk acquaint the Senate therewith.

On motion of Mr. Cox, by unanimous consent, the bill of the House (H. R. 554) to extend the right of appeal from decisions of circuit courts to the Supreme Court of the United States, with the amendments of the Senate thereto, was taken up, and the said amendments concurred in.

Ordered, That the Clerk acquaint the Senate therewith.

On motion of Mr. Niblack, by unanimous consent, the bill of the Senate (S. 10) in addition to an act to promote the progress of the useful arts, with the amendments of the Senate to the amendments of the House thereto, together with the disagreement of the Senate to certain other amendments of the House thereto, was taken up.

Ordered, That the said amendments of the Senate be disagreed to, and that the House insist on its other amendments disagreed to by the Senate, and ask a conference on the disagreeing votes of the two houses thereon.

Ordered, That Mr. Niblack, Mr. Hoard, and Mr. Ellihu B. Washburne be the managers at the said conference on the part of the House.

Ordered, That the Clerk acquaint the Senate therewith.

On motion of Mr. Tappan, the House resolved itself into a Committee of the Whole House; and after some time spent therein, the Speaker resumed the chair, and Mr. Ellihu B. Washburne reported that the committee having had the private calendar under consideration, had come to no resolution thereon.

Mr. Sickles, from the committee of conference on the disagreeing votes of the two houses on the bill of the House (H. R. 866) to supply deficiencies in the appropriations for the service of the fiscal year ending June 30, 1862, made the following report, viz:

"The committee of conference on the disagreeing votes of the two houses on the amendments to the bill (H. R. 866) 'to supply de-

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On motion of Mr. Morse, by unanimous consent, the Committee of the Whole House were discharged from the further consideration of the bill of the House (H. R. 514) for the relief of Samuel T. Green; and the House proceeded to its consideration.

Ordered, That the bill be engrossed and read a third time.

Being engrossed, it was accordingly read the third time and passed.

Mr. Morse moved that the vote last taken be reconsidered, and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

Ordered, That the Clerk request the concurrence of the Senate in the said bill.

On motion of Mr. Humphrey, by unanimous consent, the bill of the Senate (S. 543) to carry into effect conventions between the United States and the republics of New Granada and Costa Rica, was taken from the Speaker's table, read three times, and passed.

Mr. Humphrey moved that the vote last taken be reconsidered, and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

Ordered, That the Clerk acquaint the Senate with the passage of the said bill.

On motion of Mr. Stevenson, by unanimous consent, the Committee of the Whole House were discharged from the further consideration of the bill of the House (H. R. 678) for the relief of Samuel Perry; and the House proceeded to its consideration.

Ordered, That the bill be engrossed and read a third time.

Being engrossed, it was accordingly read the third time and passed.

Mr. Stevenson moved that the vote last taken be reconsidered, and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

Ordered, That the Clerk request the concurrence of the Senate therein.

On motion of Mr. Grow, by unanimous consent, the House, at 3 o'clock and 40 minutes p. m., took a recess until 7 o'clock p. m.

AFTER THE RECESS.

The House resumed the consideration of the special order, viz: the report of the select committee of one from each State on the present condition of the country.

After debate,

On motion of Mr. Hutchins, at 9 o'clock and 34 minutes p. m., the House adjourned.

MONDAY FEBRUARY 18, 1861.

The following petitions, memorials, and other papers, were laid upon the Clerk's table, under the twenty-fourth rule of the House, to wit:

By Mr. Campbell: Three memorials in favor of the Constitution and the laws, signed by citizens of Pennsylvania.

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When

The Speaker signed the same.

Mr. Gurley, from the Committee on Printing, reported the following resolution, viz:

Resolved, That there be printed for the use of this House five thousand extra copies of the report and evidence submitted by the committee of five on the subject of a secret hostile organization.

Pending which,

Mr. Burnett submited the following amendment, viz: Strike out "five thousand," and insert in lieu thereof the words "*twenty thousand;*" which motion was disagreed to.

The said resolution was then agreed to.

Mr. Gurley moved that the vote last taken be reconsidered, and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

A message from the Senate, by Mr. Patton, one of their clerks:

Mr. Speaker: The Senate have agreed to the report of the committee of conference on the disagreeing votes of the two houses on the bill of the House (H. R. 866) to supply deficiencies in the appropriations for the service of the fiscal year ending June 30, 1862.

The Senate insist on their disagreement to the amendments of the House to the bill of the Senate (S. 10) in addition to an act to promote the progress of the useful arts, and also on their amendments, disagreed to by the House, to the amendments of the House to the said bill; agree to the conference asked by the House on the disagreeing votes of the two houses thereon; and have appointed Mr. Bigler, Mr. Rice, and Mr. Wilson the managers at the said conference on the part of the Senate.

Mr. Stanton, from the Committee on Military Affairs, to whom it was referred, under the resolution of the House of the 31st of December last, to make certain inquiries in relation to the public arms, forts, arsenals, &c., with leave to report at any time, made a report thereon, accompanied by a bill (H. R. 1003) supplementary to the several acts now in force to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions; which was read a first time.

Objection having been made to its second reading,

The question was put, "Shall the bill be rejected?"

And it was decided in the negative, { Yeas ..... 68 / Nays ..... 109 }

The yeas and nays being desired by one-fifth of the members present,

Those who voted in the affirmative are—

Mr. Thomas L. Anderson	Mr. John Y. Brown	Mr. Daniel C. De Jarnette
William C. Anderson	John C. Burch	Henry A. Edmundson
William T. Avery	Henry C. Burnett	William H. English
Thomas J. Barr	Horace F. Clark	Emerson Etheridge
J. R. Barrett	John B. Clark	Thomas B. Florence
Thomas S. Bocock	John Cochrane	Muscoe R. H. Garnett
John E. Bouligny	Samuel S. Cox	John A. Gilmer
Reese B. Brabson	James Craig	J. Morrison Harris
Lawrence O'B. Branch	Burton Craige	John T. Harris
Francis M. Bristow	John G. Davis	Robert Hatton

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Mr. William Kellogg submitted an amendment to the amendment in the nature of a substitute of Mr. Clemens.

Pending which,

Mr. William Kellogg moved the previous question; which was seconded and the main question ordered to be put.

And then,

On motion of Mr. Lovejoy, at 7 o'clock and 50 minutes p. m., the House adjourned.

WEDNESDAY, FEBRUARY 27, 1861.

The following petitions were laid upon the Clerk's table, under the twenty-fourth rule of the House, to wit:

By Mr. Montgomery: The petition of citizens of Williamsburg, Pennsylvania, in favor of the Crittenden resolutions.

By Mr. Stratton: The petition of citizens of New Jersey, of like import.

By Mr. Lovejoy: The petition of citizens of Wheatland, Illinois, against any change in the Constitution.

By Mr. Hickman: Eight petitions of citizens of Chester county, Pennsylvania, praying Congress to stand firm for the Union, the Constitution *as it is*, and the enforcement of the laws.

Ordered, That the said petitions be laid upon the table.

By Mr. Tappan: The petition of citizens of Bradford, New Hampshire, for a new code of laws in the District of Columbia; which was referred to the Committee for the District of Columbia.

By Mr. Eliot: The petition of citizens of Fairhaven, Massachusetts, in favor of the Union, the Constitution as it is, and the enforcement of the laws; which was laid upon the table.

The Speaker, by unanimous consent, laid before the House a letter of the Secretary of the Smithsonian Institution, communicating the annual report of the operations, expenditures, and condition of the Smithsonian Institution for the year 1860; which was laid on the table, and ordered to be printed.

Mr. English submitted the following resolution, viz:

Resolved, That there be printed of the report of the Regents of the Smithsonian Institution 10,000 copies; 7,500 for the use of the members of the House, and 2,500 for the use of the institution.

Ordered, That it be referred to the Committee on Printing.

Mr. Isaac N. Morris, by unanimous consent, submitted a resolution, which he subsequently modified so as to read as follows, and which was read, considered, and agreed to, viz:

"*Resolved*, That the select committee appointed to inquire into and report the facts pertaining to the fraudulent abstraction of bonds from the Interior Department be, and they are hereby, invested with full power to examine witnesses touching the matter as to whether William H. Russell, or any person or persons for him, ever, directly or indirectly, paid any money or other valuable consideration to any officer of the United States, or any other person or persons, for assisting him, or any firm with which he has been heretofore or is now

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connected, in obtaining contracts or allowances from the government of the said United States, or assisting him or them in the transaction of business with the same. And that any person who may be charged with, or implicated in, any of the matters alluded to shall be informed by the chairman, and notified that he will be permitted to attend the examination, and cross-examine the witnesses in the case or cases wherein he may be so implicated."

Mr. John Reynolds, by unanimous consent, from the select committee of five on the special message of the President of the United States, submitted a report in writing on the subject of the correspondence between the President of the United States and the authorities of the State of South Carolina; which was recommitted to the said committee, and, together with the views of a minority of the said committee, submitted by Mr. John Cochrane, ordered to be printed.

Mr. Niblack, from the committee of conference on the disagreeing votes of the two houses on the bill of the Senate (S. 10) in addition to "An act to promote the progress of the useful arts," submitted a report in part, as follows, viz:

"The House recedes from its fourth amendment striking out the seventh section of the bill.

"The Senate agrees to the seventh amendment of the House, with the following amendment, to wit: strike out [twenty,] in the second line of said seventh amendment, and in lieu thereof insert '*fifteen;*' and in same line strike out [ten] and insert in lieu thereof '*fifteen.*' In line 4 of said seventh amendment strike out [ten] and insert in lieu thereof '*twenty.*'

"The Senate recedes from its non-concurrence in the House amendment striking out lines 14 and 15 in section ten; and also from its non-concurrence in the House amendment striking out the word 'twelve' and inserting the word 'ten.'

"The House recedes from its non-concurrence in the Senate amendment to the eighth amendment of the House striking out the words 'or any new and original design for the printing of woollen, silk, cotton, or other fabrics, or any new.'

"The House recedes from its non-concurrence in the Senate amendment to section fourteen, striking out the word 'of' and inserting in lieu thereof the word '*and.*' On the point of difference in the sixteenth section the committee could not agree, and recommend the appointment of another committee of conference on that point.

"Managers on the part of the House—

"WM. E. NIBLACK.
"C. B. HOARD.
"E. B. WASHBURNE.

"Managers on the part of the Senate—

"WM. BIGLER.
"HENRY WILSON.
"HENRY M. RICE."

And the question being put, Will the House agree thereto?

It was decided in the affirmative.

Mr. Niblack moved that the vote last taken be reconsidered, and

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also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

On motion of Mr. Cox,

Ordered, That the House request a further conference with the Senate on the disagreeing votes of the two houses on the remaining point of difference on the said bill (S. 10.)

Ordered, That Mr. Cox, Mr. Frank, and Mr. Barr be the managers at the said conference on the part of the House.

Ordered, That the Clerk acquaint the Senate therewith.

On motion of Mr. Barrett, by unanimous consent,

Resolved, That leave be granted for the withdrawal of the papers in the case of August Brazeau, for the confirmation of his title to land in Missouri, for the purpose of being used in the courts of Missouri.

The said papers were thereupon handed to Mr. Barrett.

Mr. McKnight, from the Committee of Elections, made a report in the case of Wm. P. Preston, contesting the seat of J. Morrison Harris as a member from the State of Maryland; which was laid on the table, and ordered to be printed.

A message from the Senate, by Mr. Patton, one of their clerks, viz:

Mr. Speaker: The Senate have disagreed to the amendment of the House to the bill of the Senate (S. 77) for the relief of Richard Chenery; ask a conference with the House on the disagreeing votes of the two houses thereon, and have appointed Mr. Bigler, Mr. Latham, and Mr. Wilson the managers at the said conference on the part of the Senate.

The Senate have passed a resolution of the following title, viz:

S. Res. 67. A resolution authorizing W. H. Smiley, United States commercial agent at the Falkland Islands, to receive a telescope tendered him by the Belgian government;

in which I am directed to ask the concurrence of this House.

Mr. Riggs, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title, viz:

H. R. 714. An act establishing certain post routes.

When

The Speaker signed the same.

Mr. Theaker, from the same committee, reported that the committee had examined and found truly enrolled a bill of the following title, viz:

H. R. 864. An act making appropriations for the consular and diplomatic expenses of the government for the year ending June 30, 1862.

When

The Speaker signed the same.

Mr. Blair, from the same committee, reported that the committee had examined and found truly enrolled a bill of the following title, viz:

S. 366. An act to provide a temporary government for the Territory of Colorado.

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When

The Speaker signed the same.

Mr. Sherman, from the committee of conference on the disagreeing votes of the two houses on the bill of the House (H. R. 338) to provide for the payment of outstanding treasury notes, to authorize a loan, to regulate and fix the duties on imports, and for other purposes, submitted the following report, viz:

"The committee of conference on the disagreeing votes of the two houses on the bill (H. R. 338) 'to provide for the payment of outstanding treasury notes, to authorize a loan, to regulate and fix the duties on imports, and for other purposes,' having met, after full and free conference have agreed to recommend to the respective houses as follows:

"That the Senate agree to the amendment of the House to the Senate's 10th amendment.

"Managers on the part of the House of Representatives—

"JOHN SHERMAN.
"JOHN S. PHELPS.
"J. K. MOORHEAD.

"Managers on the part of the Senate—

"JAMES F. SIMMONS.
"WILLIAM BIGLER.
"R. M. T. HUNTER."

The same having been read,

The question was put, Will the House agree thereto?

And it was decided in the affirmative.

So the said report was agreed to.

Ordered, That the Clerk acquaint the Senate therewith.

Subsequently

A message was received from the Senate, by Mr. Patton, one of their clerks, notifying the House that the Senate had concurred in the foregoing report.

Mr. Sherman, by unanimous consent, from the Committee of Ways and Means, to whom was referred the bill of the House (H. R. 895) making appropriations for sundry civil expenses of the government for the year ending June 30, 1862, with the amendments of the Senate thereto, reported the same, recommending concurrence in some and non-concurrence in others, and concurrence with amendments in others of the said amendments.

Ordered, That the said bill and amendments be committed to the Committee of the Whole House on the state of the Union.

A message from the Senate, by Mr. Patton, one of their clerks:

Mr. Speaker: The Senate have agreed to the report, in part, of the committee of conference on the disagreeing votes of the two houses on the bill of the Senate (S. 10) in addition to an act to promote the progress of the useful arts; agree to the further conference on the remaining point of difference thereon, and have appointed Mr. Douglas, Mr. Cameron, and Mr. Fitch the managers at the said conference on the part of the Senate.

The Speaker having announced as the regular order of business the joint resolution of the House (H. Res. 64) declaratory of the opinion

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Mr. Emory B. Pottle	Mr. Francis E. Spinner	Mr. Charles H. Van Wyck
Christopher Robinson	Benjamin Stanton	E. P. Walton
Homer E. Royce	William Stewart	Alfred Wells
Thomas Ruffin	Cydnor B. Tompkins	James Wilson
Daniel E. Somes	Charles R. Train	John Woodruff.

So the motion was agreed to.

And the House accordingly adjourned.

SATURDAY, MARCH 2, 1861.

The following petitions, memorials, and other papers, were laid upon the Clerk's table, under the twenty-fourth rule of the House, to wit:

By Mr. Alley: The remonstrance of citizens of the District of Columbia against the retrocession of a portion of the District of Columbia to Maryland; which was referred to the Committee for the District of Columbia.

By Mr. Gurley: The memorial of Cornelius Wendell, praying for additional compensation for binding; which was referred to the Committee on Printing.

By Mr. John Cochrane: The petition of Charles B. Norton, in behalf of his father, B. Hammett Norton, United States consul at Pictou, Nova Scotia; which was referred to the Committee on Foreign Affairs.

By Mr. Florence: The memorial of N. A. Thompson, praying for the printing of extra copies of the report of the Secretary of the Treasury on the condition of the banks in the United States; which was referred to the Committee on Printing.

By Mr. John Cochrane: The petition of Isaac Vanderpool, praying for relief; which was referred to the Committee on Invalid Pensions.

By Mr. McClernand: The petition of citizens of Green county, Illinois, praying for a mail-route from New Providence, *via* Lewis's Store and Shult's Mill, to Breese; which was referred to the Committee on the Post Office and Post Roads.

Also, the petition of citizens of Illinois for the extension of the pension laws to widows in certain cases; which was referred to the Committee on Invalid Pensions.

By Mr. Farnsworth: The petition of three thousand citizens of Chicago, Illinois, for the enforcement of the laws, and against any amendment of the Constitution; which was laid upon the table.

Mr. Riggs, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and a resolution of the following titles, viz:

S. 39. An act for the relief of Simon de Visser and José Villarubia, of New Orleans;

S. 77. An act for the relief of Richard Chenery; and

H. Res. 51. Joint resolution repealing a resolution relating to the claim of George Fisher, late of Florida, deceased, approved June 1, 1860.

When

The Speaker signed the same.

A message was received from the President of the United States,

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H. R. 200. An act to provide for the completion of the military roads from Fort Union to Santa Fé, and from Taos to Santa Fé, New Mexico;

H. R. 537. An act for the relief of Katharine K. Russell;

H. R. 665. An act to amend an act approved February 5, 1859, entitled "An act providing for keeping and distributing all public documents, and for other purposes;"

H. R. 865. An act making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1862; and

H. R. 895. An act making appropriations for sundry civil expenses of the government for the year ending June 30, 1862.

When

The Speaker signed the same.

A message from the Senate, by Mr. Patton, one of their clerks:

Mr. Speaker: The Senate have passed bills of this House of the following titles, viz:

H. R. 975. An act for the confirmation of the title to the saline lands in Jackson county, State of Illinois, to D. H. Brush and others; and

H. R. 203. An act to enable the trustees of the Bluemont College to pre-empt a certain quarter section of land, and for other purposes, severally without amendment.

The Senate have also passed a resolution of the following title, viz:

S. Res. 72. A resolution to correct certain errors in the act entitled "An act to provide for the payment of outstanding treasury notes, to authorize a loan, to regulate and fix the duties on imports, and for other purposes," approved the 2d March, 1861;

in which I am directed to ask the concurrence of this House.

Mr. Cox, from the committee of conference on the disagreeing votes of the two houses on the bill of the Senate No. 10, submitted the following report, viz:

"The committee of conference on the disagreeing votes of the two houses on the amendments to the bill (S. 10) entitled 'An act in addition to an act to promote the progress of the useful arts,' having met, and after a full and free conference thereon agreed to report, and do report, as follows:

"To strike out all after the word 'that,' in the 16th section, and insert the following:

"'*All patents hereafter granted shall remain in force for the term of seventeen years from the date of issue, and all extension of such patents is hereby prohibited.*'

"Managers on the part of the House of Representatives—

"S. S. COX.
"AUGUSTUS FRANK.
"THOS. J. BARR.

"Managers on the part of the Senate—

"S. A. DOUGLAS.
"G. N. FITCH."

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of the United States navy, to accept a diamond brooch for his wife, presented to her by the Emperor of Austria;

S. Res. 67 A resolution authorizing W. H. Smiley, United States commercial agent at the Falkland Islands, to receive a telescope tendered him by the Belgian government;

S. 72. A resolution to correct certain errors in the act entitled "An act to provide for the payment of outstanding treasury notes, to authorize a loan, to regulate and fix the duties on imports, and for other purposes," approved 2d March, 1861;

S. 10. An act in addition to an act to promote the progress of the useful arts;

S. 11. An act to provide for the payment of expenses incurred by the Territories of Washington and Oregon in the suppression of Indian hostilities therein in the years 1855 and 1856;

S. 19. An act legalizing certain entries of lands on Leavenworth island, in the State of Missouri;

S. 39. An act for the relief of Simon de Visser and José Villarubia, of New Orleans;

S. 77. An act for the relief of Richard Chenery;

S. 149. An act making appropriations to supply a deficiency in the appropriations for the completion of the geological survey of Oregon and Washington Territories;

S. 215. An act to amend the provisions of the 56th section of "An act to regulate the collection of duties on imports and tonnage," approved 2d March, 1799;

S. 270. An act for the relief of John H. Wheeler;

S. 399. An act for the relief of Thomas G. Corbin;

S. 459. An act for the relief of Commander Thomas J. Page, United States navy;

S. 490. An act for the relief of Eliza B. Mills, widow of Robert Mills;

S. 501. An act for the relief of Henry Rice;

S. 502. An act for the relief of Taylor Dudley, of Minnesota;

S. 524. An act to authorize the Secretary of the Treasury to issue a register to the schooner Perseverance, of Ogdensburg, State of New York;

S. 561. An act for the relief of Daniel B. Hibbard;

S. 562. An act to provide a temporary government for the Territory of Dakota, and to create the office of surveyor general therein;

S. 563. An act to organize the Territory of Nevada;

S. 565. An act for the relief of Lewis Warrington, paymaster United States navy;

S. 567. An act donating to the States of Minnesota and Oregon certain lands reserved by Congress for the Territories of Minnesota and Oregon for university purposes; and

S. 568. An act for the relief of Leslie Coombs and Robert H. Crittenden, sureties of the late A. J. Mitchell, purser in the United States navy.

On motion of Mr. Hughes, by unanimous consent,

Resolved, That permission be granted to withdraw the papers in

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the committee had examined and found truly enrolled a bill of the following title, viz:

H. R. 203. An act to enable the trustees of the Bluemont College to pre-empt a certain quarter section of land, and for other purposes.

When

The Speaker signed the same.

Mr. Blair, from the same committee, reported that the committee had examined and found truly enrolled a bill of the following title, viz:

S. 10. An act in addition to an act to promote the progress of the useful arts.

When

The Speaker signed the same.

Mr. Sickles moved that the rules be suspended, so as to discharge the Committee on Foreign Affairs from the further consideration of the bill of the Senate (S. 463) for the relief of W. H. Vesey, and to enable the House to consider the same.

And the question being put, it was decided in the negative—two-thirds not voting in favor thereof.

On motion of Mr. Morrill, (the rules having been suspended for that purpose,) the resolution of the Senate (S. Res. 72) to correct certain errors in the act entitled "An act to provide for the payment of outstanding treasury notes, to authorize a loan, to regulate and fix the duties on imports, and for other purposes," approved the 2d March, 1861, was taken from the Speaker's table, read three times, and passed.

Ordered, That the Clerk acquaint the Senate therewith.

Mr. Gurley, from the Committee on Printing, reported the following resolutions; which were read, considered, and agreed to, viz:

Resolved, That ten thousand extra copies of the several reports and evidence submitted to the select committee of five be printed and bound in one volume, for the use of the members of the House.

Resolved, That there be printed, for the use of the Treasury Department, two thousand extra copies of the annual report on the condition of the banks.

Mr. Burnett moved, at 11 o'clock and 20 minutes a. m., that the House adjourn.

And the question being put,

It was decided in the negative, { Yeas ..... 40 / Nays 117

The yeas and nays being desired by one-fifth of the members present,

Those who voted in the affirmative are—

Mr. Charles F. Adams
Garnett B. Adrain
William T. Avery
William D. Brayton
Francis M. Bristow
John C. Burch
Horace F. Clark
John B. Clark
Roscoe Conkling
Samuel S. Cox
James Craig
Mr. Daniel C. De Jarnette
W. McKee Dunn
Henry A. Edmundson
Alfred Ely
John F. Farnsworth
John T. Harris
Robert Hatton
William S. Holman
John W. Killinger
Jacob M. Kunkel
Charles H. Larrabee
Mr. Laban T. Moore
Edward Joy Morris
George H. Pendleton
John J. Perry
Edwin R. Reynolds
James C. Robinson
Thomas Ruffin
William N. H. Smith
Thaddeus Stevens
John W. Stevenson
James A. Stewart

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MALLORY, Robert, (1815 - 1885)



Carte-de-visite, Henry Ulke, 1860-1865, Collection of the U.S. House of Representatives

MALLORY, Robert, a Representative from Kentucky; born at Madison Court House, Madison County, Va., November 15, 1815; attended private schools and was graduated from the University of Virginia, Charlottesville, in 1827; engaged in agricultural pursuits in La Grange, Ky.; studied law; was admitted to the bar in 1837 and commenced practice in New Castle, Ky.; elected as an Opposition Party candidate to the Thirty-sixth Congress and reelected as a Unionist to the Thirty-seventh and Thirty-eighth Congresses (March 4, 1859-March 3, 1865); chairman, Committee on Roads and Canals (Thirty-sixth and Thirty-seventh Congresses); unsuccessful candidate for reelection in 1864 to the Thirty-ninth Congress; delegate to the Union National Convention at Philadelphia in 1866; one of the vice presidents of the Centennial Exhibition at Philadelphia in 1876; resumed agricultural pursuits; died near La Grange, Ky., August 11, 1885; interment in the family cemetery at Spring Hill, Oldham County, Ky.

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