A bill (No. 492) to authorize the President of the United States to negotiate with certain Indians of middle Oregon for a relinquishment of certain rights secured to them by treaty.

A joint resolution (No. 22) relative to pay of staff officers of the Lieutenant General.

The message further stated that the House of Representatives had passed a resolution requesting the Senate to return to the House the bill (H. R. No. 186) for a grant of land to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said State, and for other purposes, for the purpose of correcting an error in the engrossment of the bill.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House of Representatives had signed the following enrollee bills; which thereupon received the signature of the President pro tempore:

A bill (S. No. 196) to aid the Indian refugees to return to their homes in the Indian territory;

A bill (H. R. No. 159) for the settlement in alternate sections of the present Indian reservations in Utah Territory, and to settle the Indians in the Uinta valley; and

A bill (H. R. No. 210) to aid in the construction of a railroad in said State, and for other purposes; and

On motion of Mr. HARBUR, it was ordered, That the Secretary be directed to return the said bill to the House of Representatives accordingly at the request.

HOUSE BILLS REFERRD.

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

A bill (No. 377) making appropriations for the payment of the awards made by the commission under the act of Congress entitled “An act for the relief of persons for damages sustained by reason of the depredations and injuries by certain bands of Sioux Indians,” approved February 16, 1883— to the Committee on Finance.

A bill (No. 126) for the benefit and better management of the Indians— to the Committee on Indian Affairs.

A bill (No. 292) to extinguish the Indian title to lands in the Territory of Utah to aid in the agricultural and mineral purposes— to the Committee on Indian Affairs.

A bill (No. 414) for the relief of the estate of B. F. Kendall— to the Committee on Indian Affairs.

A bill (No. 425) for the relief of the Wes, Pas, Paski, Kasakin, and Pasehaew Indians of Kansas— to the Committee on Indian Affairs.

A bill (No. 441) providing for the removal of certain very poor bands of Indians from the State of Wisconsin— to the Committee on Indian Affairs.

A bill (H. R. No. 260) for the settlement in alternate sections of certain lands of Indians of middle Oregon for a relinquishment of certain rights secured to them by treaty— to the Committee on Indian Affairs.

A joint resolution (No. 71) for the relief of Thomas J. Galtonith, of Minnesota— to the Committee on Indian Affairs.

CONSTITUTIONAL QUORUM.

Mr. HOWE. I move that the Senate resume the consideration of the unfinished business of the morning hour of yesterday.

Mr. SHERMAN. I am very anxious to obtain the advice of the Senate on the question of a [inaudible] that is a privileged question, according to the decision of the late President of the Senate. I trust the Senator from Wisconsin will allow me to submit a motion that the Committee on the Ju
Mr. HOWE. Very well.

Mr. FOSTER. Before the question is taken, I wish to make it known that the Senate has been in Committee of the Whole and that the decision of the Chair, by an almost unanimous vote they have declared that the majority of those chosen or elected members of the Senate were present.

Mr. SHERMAN. I thought the Senate decided this question substantially for itself by a very important vote, to which, by the way, the chairman of the Committee of the Whole amply referred in his recent address, and told me it would probably influence his vote on the subject; and that is a vote which was taken on the 6th of March, 1911. It will be remembered that Congress at that time passed a resolution proposing a certain amendment to the Constitution of the United States. It was under consideration in the Senate, the point was made by the Senator from Illinois [Mr. Taft], that it required a two-thirds vote of the whole Senate to concurn in the proposed amendment.

"Mr. Taft raised a question of order whether the vote required by the Constitution of the United States, it did not require an affirmative vote of two thirds of the members composing the Senate."

The language of the Constitution upon which this point rests is "The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution." It is possible that the Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution.

"The question was, whether "two thirds of both Houses" did not require two thirds of all that shall be chosen by the states or House of Representatives. The point was distinctly raised, and the Senate by an almost unanimous vote—by a vote of 23 years to 1 vote—decided that it is not necessary that two thirds of the present Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution."

"Mr. SHERMAN. I will read the clause of the Constitution upon which this whole matter turns. It is the first clause of the third section of the first article:"

"The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years, and each Senator shall have one vote."

The only question is whether a quorum of the Senate consists of majority of those duly chosen by the Legislatures of the States, or whether it consists of a majority of all who are eligible to be chosen by the Senate or House of Representatives. The point was distinctly raised, and the Senate by an almost unanimous vote—by a vote of 23 years to 1 vote—decided that it is not necessary that two thirds of the present Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution."

"The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution."

Mr. FOSTER. I am not about to debate the Senate from the vote which the honorable Senator from Ohio has taken. I have expressed my views briefly on this subject in a former session, and am now disposed to repeat them. They would not be strengthened by repetition. I do not say that the honorable Senator from Ohio perhaps the assumption that I am wrong) in my construction of the Constitution. To the contrary, I think the Senate was right, and that the change of the article of the Constitution obviates the evils of which I have complained. He says that we adjourned last evening at five o'clock for want of a quorum. It is true; but there were a few minutes before five o'clock, and I think it is not necessary to wait until five o'clock to adjourn for want of a quorum."

Mr. FOSTER. I should be pleased to have the Senate understand that I have some objections to the Constitution of the United States. I suppose no gentleman expected this subject to come up for debate this morning, unless we have a very few minutes' consideration, so important a question as this, involving the number of Senators that are present, and the quorum...
let it go ever until to-morrow morning; I shall have them ready. I have made my resolution and I am able to answer a prompt question of the decision of the Senate. My object is not delay; but I merely want the arguments for and against this important proposition, and the resolution proposed and presented to the Senate by the Senate and the country. I suggest that it be postponed to and made the special order for to-morrow to-morrow at twelve o'clock.

The PRESIDENT pro tempore. Does the Senator from Kentucky submit that motion?

Mr. BELL. Sir, I regret that the further consideration of the resolution be postponed to and made the special order for to-morrow at twelve o'clock.

Mr. SHERMAN. I cannot dispose of any gentleman to a vote on a question when he is not prepared for it; and at the suggestion of some gentlemen, with the hope that the resolution be made the special order for to-morrow at half past twelve o'clock, I will consent to the postponement.

Mr. HOWE. The motion of the Senator from Kentucky to postpone it until a quarter after twelve o'clock to-morrow.

Mr. SHERMAN. I am perfectly willing to agree to that; but I hope we shall then dispose of the subject.

Proceedings agreed to.

CLAIMS OF WISCONSIN.

Mr. HOWE. I now move that the Senate proceed to the consideration of the unfinished business of the morning hour of yesterday.

The motion was made and seconded and the Senate, as in Committee of the Whole, proceeded to the consideration of the joint resolution (S. No. 8) for the relief of the citizens of Wisconsin, raising the question being the adoption of the amendment reported from the Committee on Public Lands.

Mr. PENROSE. Mr. President, I do not suppose it is possible to call the attention of Senators to this question, although it involves a great deal of money. I noticed yesterday when the honorable Senator from Wisconsin (Mr. Saunder) was speaking, that, with the exception of the Senators from Wisconsin, I believe I was the only Senator present; the question was not heard, and I presume this will have no effect. Still, I feel inclined to do what I can to call the attention of the Senators to it a little further.

It is true that the Territory of Wisconsin organized a company to open a canal to connect the waters of Lake Michigan with those of Rock river; and that company was authorized to apply to Congress for a grant of land for the purpose of accomplishing the object. I believe that the United States, from the act granting this land, were of opinion that it was advisable to form a canal to connect the waters of Lake Michigan with those of Rock river; and I suppose that he argument on that side of the question was not heard, and I presume this will have no effect. Still, I feel inclined to do what I can to call the attention of the Senators to it a little further.

Now, the argument is that when we passed that, all the obligation that was upon the Territory was simply to repay the amount of money that might have been loaned by the canal company, if they had advanced; that whatever the individual stockholders put in should be repaid to them, and that they should be freed entirely from the obligation to complete the canal that had been proposed. Now, the Senators from Wisconsin are hereby made to account to the Government for the money received from the sale of the land, whom the express language of the resolution and the act of Congress is, that the money should be repaid for the purpose of completing the contract that was entered into; that the contract is not to be cancelled. The canal company having sold the money, having sold the land, having put the money into their treasury, comes forward here and says that they have no contract; that the Territory was just to make good to these stockholders what they may have expended, and to make nothing good to the Government of the United States, arising from the fact that the canal has never been completed. The PRESIDENT pro tempore. The Chair must interrupt the Senator to call up the unfinished business of yesterday, which is now before the Senate.

Mr. HOWE. What is the unfinished business?

The PRESIDENT pro tempore. The unfinished business is the joint resolution appropriating $50,000,000 to pay for one hundred days' volunteer service.

Mr. FFESSENDEN. I think it is hardly worth while to discuss; that we suppose we can take a vote on it at once.

Mr. HOWE. Let this be settled. I move to pass the resolution now.

Mr. FFESSENDEN. I have not the slightest objection to going on, and so far as I am personally concerned, I prefer to finish what I have to say now; but in the debate to which I was referred, which was up yesterday on which we were taking the yeas and nays and the Senate was divided on the main question, I think it is best to settle that.

Mr. HARLAN. I would prefer that the Senator from Maine be permitted to make his argument, but I do not wish the vote to be taken on the main question to-day. I desire to examine...
THE CONGRESSIONAL GLOBE. May 4, 1862.

The PRESIDENT pro tempore. Objection being made to its present consideration, it lies over under the rule.

CLAIMS OF WISCONSIN.

Mr. HARLAN. I offer the following resolution of inquiry:

Resolved, That the Secretary of the Interior be directed to inform the Senate what disposition has been made of the lands belonging to the State of Wisconsin, and what quantity of land to the Territory of Wisconsin for the purpose of commencement, prosecution, and repair of certain fortifications and other works of defense for the year ending the 30th of June, 1865, was twice read twice by its title, and referred to the Committee on Finance.

NAVAL APPROPRIATION BILL.

The Senate proceeded to consider its amendment (No. 205) (to strike out the third, fourth, and fifth paragraphs) and to order the Senate to receive the bill, and on the return, to make the said amendment to the said bill; and

Resolved, That the Senate insist upon its amendments to the said bill, and that, if not agreed to by the House of Representatives, be re-ordered, the Senate insist on the said bill, and that the Senate insist on the said bill, and that, if not agreed to by the House of Representatives, be laid on the table.

The CONSTITUTIONAL QUORUM.

Mr. SHEARMAN. I must insist now on the special order being taken up.

The PRESIDENT pro tempore. The Senate will resume the reading of the special order of the day, the resolution submitted by the Senator from Ohio in relation to the quorum of the Senate, as to what is the question being on the adoption of the resolution.

Mr. DAVIS. I desired yesterday that the consideration of this resolution be postponed until this morning, and the Senator from Ohio apply for a quorum. I wish to have an opportunity of discussing this question, whether legislative measures that may be passed are void and ineffective, that is not the case with the Senate of the United States, and I hold this proposition to be not only true but clear, at that under a constitutional quorum of either House of Congress is not competent to pass any measure of legislation.

The resolution now under consideration reads thus:

Resolved, That a quorum of the Senate consists of a majority of the Senators duly elected and seated in the body in a constitutional quorum.

It will be observed that there is not a difference between the two propositions; that a quorum of the Senate to be a part of the quorum, must be duly elected and must be seated in the body of the Senate, and that the quorum in which he is seated to the body, he was not to be estimated in making up the quorum of the Senate. It may be and often is the fact that a man may in truth be admitted as a Senator; he may be allowed to take the oath of a Senator and his seat in the body and to act with it for the time, when he may not have been duly elected; and it was with a view to that state of case, suppose, that the honorable notice of the present resolution has been made in its language and made it read in the term—

That a quorum of the Senate consists of a majority of the Senators duly elected and entitled to seats in this body in a constitutional quorum.

The present resolution aims at the establishment of a quorum of a majority of the Senators duly elected and qualified.

It is not absolutely certain that it was intended. It is not absolute in order to ascertain what the constitutional majority in truth is, or whether it was not the purpose of the framers of the present resolution to give a different principle of quorum from the condition of that which is prescribed by the Constitution.

I do not know with absolute certainty whether it is the intention of this resolution to change what the Constitution, or to modify the Constitution upon the point of a senatorial quorum, but I present it is a true object and I shall so treat it, for the obvious reason that a provision of the Constitution is, that we shall not be able to so treat it, that it is necessary that the resolution be submitted to the consideration of the Senate, in that or any other respect, and any body known, cannot be changed or modified by us.

There were offered at the same time with the resolution now under debate, and in the same manner as the other two resolutions submitted:

Resolved, That if a majority of the presidential electors, duly appointed and qualified, vote for one person, he is permitted to execute his office.

Resaid, That if the election of President is determined upon by the House of Representatives, a majority of the Senators represented in the Senate be for one person, he is permitted to execute his office.

Those propositions contemplate a most important and novel construction of the Constitution on three of its great and most essential powers.

The Senate of the United States shall be composed of two Senators from each State, each to have one vote; and each Senator shall have one vote.

Section five of the same article reads, in the first paragraph:

"The Senate of the United States shall be composed of two Senators from each State, each to have one vote; and each Senator shall have one vote.

The question is, what the Constitution and those who framed it meant by the "majority of each House" which they constituted a quorum to do business. I hold that they referred to the Senate, and as they had organized them, to persons answering to the description, and having the qualifications which they had made requisite for membership of them, to vote by the constituencies, by the terms, for the, and the number which in previous provisions had established the House respectively. Neither House was then in fact or in point of law, to the two potential bodies, to their abstract organization, from which it is determined that a quorum to do business. The purposes of the Constitution were then equally abstruse ideas. The Constitution had ordained in a previous clause:

"The Senate of the United States shall be composed of two Senators from each State, each to have one vote; and each Senator shall have one vote.

A majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, unless by the President, or by a majority of the members, in such case, and under such penalties as Congress may provide."

There were then thirteen States, and each State being entitled to two Senators, the total potential Senate was as absolutely and certainly fixed at the aggregate number of twenty-six, and its qu
The Congress of the United States is the bicameral legislature of the Federal Government of the United States, consisting of the Senate and the House of Representatives. The House of Representatives is composed of members elected from each state, while the Senate is composed of two senators from each state. The Constitution of the United States grants the Congress the power to make laws necessary and proper for carrying into execution the enumerated powers of the government.

The House of Representatives has 435 members, and the Senate has 100 members. The number of representatives is proportional to the state population, with the most populous states having more representatives than the less populous states.

The Senate has equal representation from each state, with each state having two senators regardless of population. This is known as the principle of equal representation.

The Constitution also states that the House of Representatives shall be composed of members chosen every second year by the people of the several states, and that the Senate shall be composed of two senators from each state, chosen by the Legislatures thereof.

The President of the United States is the head of the executive branch of the government and the commander-in-chief of the armed forces. The Vice President is the second highest official in the United States government.

The Congress has the power to declare war, regulate international trade, and create federal courts. It also has the power to levy taxes and regulate commerce. The Constitution grants Congress the power to make laws for the governance of the United States, including the power to regulate the admission of new states into the Union, the regulation of interstate and international commerce, and the establishment of post offices and post roads.

The Constitution also provides for the impeachment of certain federal officials, including the President, Vice President, and other civil officers of the United States, for "Treason, Bribery, and other High Crimes and Misdemeanors." The House of Representatives has the sole power of impeachment, while the Senate has the sole power to try impeachments.

The Constitution also establishes a federal system of government, with power being divided between the federal government and the state governments. The Tenth Amendment reserves powers not delegated to the federal government by the Constitution or prohibited by it to the states or the people.

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Mr. Ransom and Mr. Madison moved to add to the constitution the following two clauses: to prohibit the attendance of slave negroes in each house, and to prohibit the manufacturing of newspapers in each house. The amendment was agreed to by all except Pennsylvania, which was divided.

Mr. President, this debate shows this state of facts that no provision had been made for the identification question now under consideration was before that body for its deliberation and decision, and every member of the Convention, as far as he expressed himself, explicitly, or so far as his understanding of the point can be inferred from the language of the papers and the proceedings of the Convention, was convinced that a majority of the whole number of the two houses should be required to do business. The inexperience and inconvenience of this number might cause it to be agreed to, or the number in which it would be constitutional to do business might be increased, but it would be the rule for the Senate to be the determining body.

The plenary power of the Senate is the same as that of the House, except that the Senate has the power to appoint the President of the United States, to try the impeachment of the President, and to try the impeachment of the President of the Senate, which are powers not applicable to the House. The Senate also has the power to try the impeachment of the President of the Senate, which is the same as the power of the House to try the impeachment of the President of the United States.

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chosen in the other, a majority of the persons elected or chosen was to constitute the quorum of one House of Congress.

But if that clause was doubtful, considered by itself, I submit that the second and the third sections of the article, when read in connection, fairly tell us who are the House of Representatives, and in those words: "The House of Representatives shall be composed of members chosen every second year." Not of members which the States have a right to choose, but of members actually chosen; and in relation to the States, it is plain that if the United States shall be composed of two Senators from each State, chosen by the Legislature thereof.

It seems to me to be clear that the true meaning of the Constitution the House of Representatives, and the Senate in the other, are to consist of those persons elected or chosen to the House or to the Senate, and nobody else. It would be an absurdity to say that the House of Representatives consists of members not chosen or that the Senate consists of Senators not chosen. The thing to be done under the Constitution was to bring into existence representatives of the States or of the people; representatives of the States in the vacation of Senators, it standing in the place of the people of the States in the person of the Representatives; but until Senators are chosen or Representatives are chosen, there is no House of Representatives or any Senate; that would be absurd.

The honorable member from Kentucky has referred to the debate in the Convention. I have a very clear recollection of the speech I made to refresh my recollection this morning. My friend from Kentucky, as I think, misapprehends the meaning of the first sentence of the resolution, that it was to constitute a quorum, was before the Convention; how many, was the point to be decided.

Mr. CARLILE. If the Senate will allow me to interrupt him just at this point, I desire to call his attention to the first decision that was made by the Convention, and that is the resolution presented at the last Congress by the then President, Mr. [Footnote]. That decision is directly opposite to the amendment that the Senator from Maryland is now making. There were then eleven States in the Union. Ten of them had chosen Senators, and one, the State of New York, had not chosen; and although eleven members were present, the Senate adjourned from day to day for the want of a quorum in consequence of that fact.

Mr. JOHNSTON. The proceeding precedent is directly the other way, so that there is a precedent each way; that is all; but I am speaking of the present at the present. I shall speak of the precedents presently.

Mr. CARLILE. The precedents are all against the Senator from Kentucky.

Mr. JOHNSTON. They are not, beguiling the member's pardon, and he is the only member that has something to say for his side.

The only precedent to which the Senator has referred at all is the proceeding precedent which was adopted at the last Congress by the then President of the Senate, Mr. [Footnote]. That is the proceeding precedent, and it is the only way in which the Senate can sit and decide anything.

Mr. CARLILE. The proceeding precedent is the one to which the Senator has referred at all.

Mr. JOHNSTON. That is a very good one. Has there been none since?

Mr. CARLILE. There has not been any since the Senate since.

Mr. JOHNSTON. I think there are, but I shall come to that presently. I have said, Mr. President, all that I have said to the weight to be given to the debates in the Convention at the time the Constitution was adopted. I have said that there was a precedent in the Senate other than the proceeding precedent which has been adverted to which decides the very question as I have suggested it should be decided. The fifth section of the fifteenth article of the Constitution by which the number of Representatives are to constitute each House in passing upon constitutional amendments. The argument in relation to that provision is that the "House" means the whole House of Representatives, and that if the Senate have the power, the whole Senate, not merely the Senate which has been chosen, the entire Senate might be selected, not that which has been chosen or selected. It will be seen that the language of the amendment is in relation, the manner in which amendments to the Constitution are to be proposed is identical, as far as the particular question is concerned, with the language of the clause which prescribes the number to constitute a quorum. The one says "a majority of the members of each House," the other says "the two-thirds of both Houses." There can therefore evidently be no difference between the meaning of the term "House" as used in the amending clause and the meaning of the term Senate as used in the quorum clause. In what I call the quorum clause. Then what is the meaning of the Senate as used in the quorum clause? Well, there are two ways of looking to the Senate as used in the quorum clause.

Mr. JOHNSTON. The Senate, as in Committee of the Whole, the consideration of the joint resolution (H. R. No. 60) to provide for the admission of the Territory of Utah into the Union as a State, the following amendment proposed by Mr. Pugh being agreed to:

It is not necessary to read the amendment; various other amendments were proposed. Finally, on the 31st of March, 1861, the question was taken again, and the passage of the resolution resolved.

On the question, "Shall the amendment go to the house?" it was determined in the affirmative—yea 56, nay 12.

Then the yeas and nays are given.

Mr. POOL, in the chair, announced that the joint resolution was passed. Mr. TAYLOR, raised a question of order, whether the joint resolution of the 1st of March, 1861, providing for the admission of the Territory of the United States, did not require the affirmative vote of two-thirds of the members of the Senate to pass the same.

Mr. BALDWIN said that he was decided that an affirmative vote of two-thirds of the Senators present, only. On the question, the amendment was adopted, and the amendment was passed, as an amendment to the Senate.

On the question, Shall the amendment go to the house? It was determined in the affirmative—yea 39, nay 1.

Then the question, "Shall the Senate proceed to vote on the question?" it was determined in the affirmative—yea 59, nay 0, yea 39, nay 1.

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Mr. DAVIS. With the Senator's permission I will say that he draws his conclusion, not mine.

Mr. DAVIS. My conclusion is that if a quorum, consisting of a less majority than a majority of all the members of the Senate, or a less number of them, than the state of legislation and that modification of the power of legislation will essentially add to the danger of the interests of my constituency.

Mr. JOHNSON. How? in what way? Suppose the independence of the confederate States was preserved, the Senate would be thrown back upon its original sovereignty.

Mr. DAVIS. If it was, there would be an end to this confederation, to this Union; it would stand, and the Senate would be thrown back upon its original sovereignty.

Mr. JOHNSON. That I deny.

Mr. DAVIS. That I maintain.

Mr. JOHNSON. That I deny, because if the honorable member is correct in that, if any one State could succeed, with the consent or against the opposition of the rest of the States, in getting out of the Union, the Union would be dissolved. Now, supposed the Union to be in existence—and I suppose I may assume that the Union now stands—how does it stand and why does it stand? It stands upon its own strength as represented by the men, and the strength and the power of the loyal States. It stands in spite of South Carolina and those whom she has seduced to her ruin; and if those States were by some unaccountable blunder out of constitutional existence to-morrow, the Union would stand represented in her remaining States. There is nothing that holds the Union together. The Constitution requires for the existence of the Union that each State that comes in is to remain in forever; and yet we are told that Kentucky is that moment any one State succeeds in getting out of, or is permitted to go out of, the Union, the Union is dissolved, and each State stands there where it was before the Constitution was adopted by which the Union was formed. I protest, with all the respect I feel for the Judge, as I understand him, that even now I am right as to what has Kentucky to apprehend? What has Maryland to apprehend? Are not both States represented in the Chamber and in the other House? From whom is danger to be apprehended to either State? From the other States that States will come in, represent by one pair of hands, or will all of us as a band of brothers to maintain the Government?

Mr. DAVIS. I will ask the honorable Senator, if this is so, and I ask him this question, what has the government of Maryland as it is about to be organized by the presidential proclamation, and every interference will be legitimately organized?

Mr. JOHNSON. I do not see that that is the question before us in this debate. It has not been organized that I am aware of. I rather think that the Senate is in the Union and the Senate is maintained. If I am right, and thus I have here that I am right as to what has Kentucky to apprehend? What has Maryland to apprehend? Are not both States represented in this Chamber and in the other House? From whom is danger to be apprehended to either State? From the other States that States will come in, represent by one pair of hands, or will all of us as a band of brothers to maintain the Government?

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The PRESIDING OFFICER, (Mr. Anthony in the chair). The question is on the adoption of the resolution.

Mr. CARLILE and Mr. DAVIS called for the yeas and nays, and MR. SHERMAN. At the suggestion of some Senators I will modify my resolution by striking out the last sentence, and substituting what I will read:

Resolved, That a quorum of the Senate consists of a majority of the Senators duly chosen.

The PRESIDING OFFICER. That modification, by unanimous consent, the yeas and nays having been ordered.

Mr. SUMNER. I hope it will be made.

The PRESIDING OFFICER. The Chair hears no objection; and the question now is on the adoption of the resolution as modified.

The question being taken by yeas and nays, resulted—yeas 32, nays 26; as follows:


So the resolution was adopted.

BUREAU OF MILITARY JUSTICE.

THE PRESIDENT pro tempore. The Senate will proceed to the consideration of the application for the adjournment of the day, which is the report of the committees of conference on the disagreeing votes of the two Houses in the bill (H. R. No. 369) to establish a Bureau of Military Justice. The question is on concurring in the report of the committees, and upon that question the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 17, nays 26; as follows:

YEAS—Messrs. Anthony, Chandler, Colman, Connors, Cowan, Dixon, Fosdick, Foster, Howe, Lane of Indiana, Lane of Kansas, Logan, Morell, Morrill, Neff, Posey, Ramsey, Sherman, Sprague, Sumner, Van Winkle, Vale, Watterson, Williams—17.


So the report was non-concurring.

Mr. WILSON. I now move that the whole subject be over on the table.

MR. SHERMAN. Oh, no; move another conference.

Mr. WILSON. I move that it be laid upon the table, and I ask for the yeas and nays upon that motion. I hope that we shall lay it on the table, and then we can get up a new bill on some subject that may be of public interest.

Mr. COLLAMER. The Senate has no right to get up a bill.

MR. SHERMAN. I think it is in the power of the Senate to get up a bill in regard to that bureau.

THE PRESIDENT pro tempore. The Chair will adjourn to the Senate that the motion is not dilatory.

Mr. SHERMAN. I think we had better have another conference.

Mr. WILSON. Yes, sir, we shall.

Mr. SHERMAN. (to Mr. WILSON.) Withdraw your motion.

Mr. WILSON. I can do it.

Mr. SHERMAN. Order! Order! I object to debate.

Mr. WILSON. I do not wish to violate the rule of the Senate, and I am much obliged to the Senator from New Hampshire for calling me to order.

Mr. HALE. If the Senator desires to debate it, he has an opportunity.

THE PRESIDENT pro tempore. The Chair will inquire of the Senator from Massachusetts whether he desires the yeas and nays upon his motion.

Mr. WILSON. I withdraw the motion.

Mr. SHERMAN. What is the question now?

Mr. HALE. Now, I believe, the subject is open for debate.

Mr. CONNESS. There is no question before the Senate.

Mr. FOOT. I move that the Senate insist on its amendments to the bill of the House, and ask for another conference of committees.

Mr. COLLAMER. It is a debatable subject, and I desire to present this question precisely and exactly as it is.

The House of Representatives passed this bill on the recommendation of the Secretary of War. It made Colonel Holt a brigadier general and gave him two assistants, masters of ordnance, of which he dispose of and carry on his business, and confiding in him on the same footing as to pay and emoluments with a general, he will do as he is bid to do by the General.

Senators, I beg of you to remember that this is a bill that has passed the House of Representatives with that recommendation without opposition. It was referred to the Senate by the first session of the Senate. The committee, on investigation, desiring to save every dollar we could to the country, were in favor of the adoption of the Senate. And the resolution has been passed. The course of reasoning is proper to make the same allowances to a man who performs judicial duties in an office devoted himself to those duties.

Sir, as this matter has been put to this ungrateful Senate, I hope you will not allow him to do no good service for the country. It is a matter that is not in the interest of the country. I think it is in the interest of the Senate that you make it known that you think the Senators of both parties should not make a difference as to what is useful to the country. It is a common law that is bound to be carried no farther than the absolute necessity of the service require it to be carried. Certainly, when you undertake to pay judicial officers who sit in their offices and perform judicial duties by the same rule that you pay officers in the field, you are the only way to do their duties there, it seems to me you undertake to apply an analogy where there is no analogy for it.

Mr. HALE. I do not know and cannot conceive how the Senator from Massachusetts can bring this matter into an attack upon Mr. Holt, and that he could not be a brigadier general, or how he could give him the rank and emoluments of a brigadier general.

The House of Representatives has named, the Quartermaster General, the Adjutant General, and Provost Marshal General. The Senate have given him a different rank. If you do not think it is right, you indicate it in the same way, and I think it is not right.

Mr. WILSON. He is there now.

Mr. HALE. Has the Senator from Massachusetts told the Senate that he is not to be Judge Holt? It is not right.

Mr. WILSON. He is there now, because there is no much office. The bill says he shall be appointed.

Mr. WILSON. He is there with the rank of colonel.

Mr. HALE. Mr. President, this bill is propos-