

CONGRESSIONAL RECORD.

DEBATES AND PROCEEDINGS OF THE FORTY-THIRD CONGRESS.

SPECIAL SESSION OF THE SENATE.

IN THE SENATE.

TUESDAY, March 4, 1873.

Hon. HENRY WILSON, Vice-President of the United States, having taken the oath of office at the close of the last regular session of the Forty-second Congress, took the chair and directed the Secretary to read the proclamation convening a special session of the Senate.

The Secretary (Hon. GEORGE C. GORHAM) read the proclamation, as follows:

A PROCLAMATION

Whereas objects of interest to the United States require that the Senate should be convened at twelve o'clock on the fourth of March next, to receive and act upon such communications as may be made to it on the part of the Executive:

Now, therefore, I, ULYSSES S. GRANT, President of the United States, have considered it to be my duty to issue this, my proclamation, declaring that an extraordinary occasion requires the Senate of the United States to convene for the transaction of business at the Capitol, in the city of Washington, on the fourth day of March next, at twelve o'clock at noon on that day, of which all who shall at that time be entitled to act as members of that body are hereby required to take notice.

Given under my hand and the seal of the United States, at Washington, the twenty-first day of February, in the year of our Lord one thousand eight hundred and seventy-three, and of the Independence of the United States of America the ninety-seventh.

By the President:

HAMILTON FISH,
Secretary of State.

U. S. GRANT.

The VICE-PRESIDENT. The Secretary will read the names of the newly-elected Senators.

The list was read as follows:

Hon. Bainbridge Wadleigh, of New Hampshire.
Hon. Justin S. Morrill, of Vermont.
Hon. Orris S. Ferry, of Connecticut.
Hon. Roscoe Conkling, of New York.
Hon. Simon Cameron, of Pennsylvania.
Hon. George R. Dennis, of Maryland.
Hon. Augustus S. Merrimon, of North Carolina.
Hon. John J. Patterson, of South Carolina.
Hon. Simon B. Conover, of Florida.
Hon. George E. Spencer, of Alabama.
Hon. Stephen W. Dorsey, of Arkansas.
Hon. John B. Gordon, of Georgia.
Hon. Lewis V. Bogy, of Missouri.
Hon. Thomas C. McCreery, of Kentucky.
Hon. John Sherman, of Ohio.
Hon. Oliver P. Morton, of Indiana.
Hon. Richard J. Oglesby, of Illinois.
Hon. Timothy O. Howe, of Wisconsin.
Hon. William B. Allison, of Iowa.
Hon. John J. Ingalls, of Kansas.
Hon. Aaron A. Sargent, of California.
Hon. John H. Mitchell, of Oregon.
Hon. John P. Jones, of Nevada.

When the name of Mr. Conkling was called,

Mr. HAMLIN said: Mr. President, owing to some inadvertence the credentials of the Senator-elect from New York have not been presented in this body. It is a matter of public notoriety that he has

been elected; and, in accordance with the usage of the body, I move that the oath of office be administered to him.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine.

The motion was agreed to.

As their names were called the respective Senators-elect came forward, and the oaths prescribed by law were administered to them, with the exception of Mr. Wadleigh, Mr. Ferry, Mr. Gordon, Mr. Spencer, and Mr. Jones, who were not present.

The Senators-elect having been sworn and taken their seats in the Senate, the following Senators were present:

From the State of—

Maine—Hon. Hannibal Hamlin and Hon. Lot M. Morrill.

New Hampshire—Hon. Aaron H. Cragin.

Vermont—Hon. George F. Edmunds and Hon. Justin S. Morrill.

Massachusetts—Hon. Charles Sumner.

Rhode Island—Hon. Henry B. Anthony and Hon. William Sprague.

Connecticut—Hon. William A. Buckingham.

New York—Hon. Roscoe Conkling and Hon. Reuben E. Fenton.

New Jersey—Hon. Frederick T. Frelinghuysen.

Pennsylvania—Hon. Simon Cameron and Hon. John Scott.

Delaware—Hon. Thomas F. Bayard and Hon. Eli Saulsbury.

Maryland—Hon. George R. Dennis and Hon. William T. Hamilton.

Virginia—Hon. John F. Lewis.

North Carolina—Hon. Augustus S. Merrimon and Hon. Matthew W. Ransom.

South Carolina—Hon. John J. Patterson and Hon. Thomas J. Robertson.

Georgia—Hon. Thomas M. Norwood.

Florida—Hon. Simon B. Conover and Hon. Abijah Gilbert.

Alabama—Hon. George Goldthwaite.

Mississippi—Hon. James L. Alcorn and Hon. Adelbert Ames.

Louisiana—Hon. J. Rodman West.

Texas—Hon. J. W. Flanagan and Hon. Morgan C. Hamilton.

Arkansas—Hon. Powell Clayton and Hon. Stephen W. Dorsey.

Missouri—Hon. Lewis V. Bogy and Hon. Carl Schurz.

Tennessee—Hon. Henry Cooper.

Kentucky—Hon. Thomas C. McCreery and Hon. John W. Stevenson.

West Virginia—Hon. Arthur I. Boreman and Hon. Henry G. Davis.

Ohio—Hon. John Sherman and Hon. Allen G. Thurman.

Indiana—Hon. Oliver P. Morton and Hon. Daniel D. Pratt.

Illinois—Hon. John A. Logan and Hon. Richard J. Oglesby.

Michigan—Hon. Zachariah Chandler and Hon. Thomas W. Ferry.

Wisconsin—Hon. Matthew H. Carpenter and Hon. Timothy O. Howe.

Iowa—Hon. William B. Allison and Hon. George G. Wright.

Minnesota—Hon. Alexander Ramsey and Hon. William Windom.

Kansas—Hon. Alexander Caldwell and Hon. John J. Ingalls.

California—Hon. Eugene Casserly and Hon. Aaron A. Sargent.

Nebraska—Hon. Phineas W. Hitchcock and Hon. Thomas W. Tipton.

Oregon—Hon. James K. Kelly and Hon. John H. Mitchell.

Nevada—Hon. William M. Stewart.

INAUGURATION CEREMONIES.

The persons entitled to admission on the floor of the Senate Chamber having been admitted to the places reserved for them, the President, Hon. ULYSSES S. GRANT, entered the Senate Chamber, accompanied by Mr. CRAGIN, Mr. LOGAN, and Mr. BAYARD, members of the Committee of Arrangements, and was conducted to a seat in front of the Secretary's desk, and the members of the committee were seated on his right and left.

The VICE-PRESIDENT. The order of proceedings will now be formed, for the purpose of repairing to the front of the portico, according to the programme prepared by the Committee of Arrangements.

Those assembled in the Senate Chamber proceeded to the platform on the central portico of the Capitol in the following order:

The Marshal of the Supreme Court.
 Ex-Presidents and ex-Vice-Presidents.
 The Supreme Court of the United States.
 The Sergeant-at-Arms of the Senate.
 The Committee of Arrangements.
 The PRESIDENT of the United States, the PRESIDENT-ELECT.
 The VICE-PRESIDENT and the Secretary of the Senate.
 The members of the Senate.
 The Diplomatic Corps.
 Members of the Cabinet and the Solicitor-General.
 Ex-members of the House of Representatives, and members-elect of the Forty-third Congress.
 Governors of States.
 Officers of the Army and Navy.
 Other persons admitted to the floor of the Senate Chamber and to the reserved seats at the left of the diplomatic gallery.
 The PRESIDENT-ELECT delivered the following

INAUGURAL ADDRESS.

FELLOW-CITIZENS: Under Providence I have been called a second time to act as Executive over this great nation. It has been my endeavor in the past to maintain all the laws, and, so far as lay in my power, to act for the best interests of the whole people. My best efforts will be given in the same direction in the future, aided, I trust, by my four years' experience in the office.

When my first term of the office of Chief Executive began, the country had not recovered from the effects of a great internal revolution, and three of the former States of the Union had not been restored to their Federal relations. It seemed to me wise that no new questions should be raised so long as that condition of affairs existed. Therefore the past four years, so far as I could control events, have been consumed in the effort to restore harmony, public credit, commerce, and all the arts of peace and progress.

It is my firm conviction that the civilized world is tending toward republicanism, or government by the people through their chosen representatives, and that our own great republic is destined to be the guiding star to all others.

Under our republic we support an army less than that of any European power of any standing, and a navy less than that of either of at least five of them. There could be no extension of territory on the continent which would call for an increase of this force, but rather might such extension enable us to diminish it.

The theory of government changes with general progress. Now that the telegraph is made available for communicating thought, together with rapid transit by steam, all parts of a continent are made contiguous for all purposes of government, and communication between the extreme limits of the country made easier than it was throughout the old thirteen States at the beginning of our national existence.

The effects of the late civil strife have been to free the slave and make him a citizen. Yet he is not possessed of the civil rights which citizenship should carry with it. This is wrong, and should be corrected. To this correction I stand committed, so far as executive influence can avail.

Social equality is not a subject to be legislated upon, nor shall I ask that anything be done to advance the social status of the colored man, except to give him a fair chance to develop what there is good in him, give him access to the schools, and when he travels let him feel assured that his conduct will regulate the treatment and fare he will receive.

The States lately at war with the General Government are now happily rehabilitated, and no executive control is exercised in any one of them that would not be exercised in any other State under like circumstances.

In the first year of the past administration the proposition came up for the admission of Santo Domingo as a Territory of the Union. It was not a question of my seeking, but was a proposition from the people of Santo Domingo, and which I entertained. I believe now, as I did then, that it was for the best interest of this country, for the people of Santo Domingo, and all concerned, that the proposition should be received favorably. It was, however, rejected, constitutionally, and therefore the subject was never brought up again by me.

In future, while I hold my present office, the subject of acquisition of territory must have the support of the people before I will recommend any proposition looking to such acquisition. I say, here, however, that I do not share in the apprehension held by many as to the danger of governments becoming weakened and destroyed by reason of their extension of territory. Commerce, education, and rapid transit of thought and matter, by telegraph and steam, have changed all this. Rather do I believe that our Great Maker is preparing the world, in His own good time, to become one nation, speaking one language, and when armies and navies will be no longer required.

My efforts in the future will be directed to the restoration of good feeling between the different sections of our common country; to the

restoration of our currency to a fixed value as compared with the world's standard of values, gold, and if possible to a par with it; to the construction of cheap routes of transit throughout the land; to the end that the products of all may find a market and leave a living remuneration to the producer; to the maintenance of friendly relations with all our neighbors and with distant nations; to the re-establishment of our commerce and share in the carrying trade upon the ocean; to the encouragement of such manufacturing industries as can be economically pursued in this country, to the end that the exports of home products and industries may pay for our imports: the only sure method of returning to and permanently maintaining a specie basis; to the elevation of labor; and by a humane course to bring the aborigines of the country under the benign influences of education and civilization. It is either this or a war of extermination. Wars of extermination, engaged in by people pursuing commerce and all industrial pursuits, are expensive even against the weakest people, and are demoralizing and wicked. Our superiority of strength and advantages of civilization should make us lenient toward the Indian. The wrong inflicted upon him should be taken into account and the balance placed to his credit. The moral view of the question should be considered, and the question asked, cannot the Indian be made a useful and productive member of society by proper teaching and treatment? If the effort is made in good faith we will stand better before the civilized nations of the earth, and in our own consciences, for having made it.

All these things are not to be accomplished by one individual, but they will receive my support, and such recommendations to Congress as will, in my judgment, best serve to carry them into effect. I beg your support and encouragement.

It has been, and is, my earnest desire to correct abuses that have grown up in the civil service of the country. To secure this reformation, rules regulating methods of appointment and promotions were established and have been tried. My efforts for such reformation shall be continued, to the best of my judgment. The spirit of the rules adopted will be maintained.

I acknowledge before this assemblage, representing as it does every section of our country, the obligation I am under to my countrymen for the great honor they have conferred on me by returning me to the highest office within their gift, and the further obligation resting on me to render to them the best services within my power. This I promise, looking forward with the greatest anxiety to the day when I shall be released from responsibilities that at times are almost overwhelming, and from which I have scarcely had a respite since the eventful firing upon Fort Sumter, in April, 1861, to the present day. My services were then tendered and accepted under the first call for troops growing out of that event. I did not ask for place or position, and was entirely without influence or the acquaintance of persons of influence, but was resolved to perform my part in a struggle threatening the very existence of the nation. I performed a conscientious duty, without asking promotion or command, and without a revengeful feeling toward any section or individual. Notwithstanding this, throughout the war, and from my candidacy for my present office in 1868 to the close of the last presidential campaign, I have been the subject of abuse and slander scarcely ever equaled in political history, which, to-day, I feel that I can afford to disregard in view of your verdict, which I gratefully accept as my vindication.

The oath of office was then administered to the President by the Chief Justice of the Supreme Court.

The Senate returned to their chamber, and the Vice-President took the chair at forty-seven minutes past twelve o'clock p. m.

HOUR OF MEETING.

Mr. ANTHONY. I move that until otherwise ordered the hour of the daily meeting of the Senate be twelve o'clock noon.

The motion was agreed to.

NOTIFICATION TO THE PRESIDENT.

Mr. ANTHONY. Now, I move that when the Senate adjourns to-day it be to meet on Thursday next, the day after to-morrow.

Mr. HAMLIN. I think we had better meet here to-morrow. ["O, no."] I think we are called upon to notify the President that we are convened pursuant to his proclamation. That certainly ought to be done by to-morrow.

Mr. CONKLING. Let that be done to-day.

Mr. HAMLIN. Very well. If that is agreeable to the Senate, I move that a committee of three be appointed to notify the President that a quorum of the Senate is present and ready to proceed to business.

The VICE-PRESIDENT. Does the Senator from Rhode Island withdraw his motion?

Mr. ANTHONY. Certainly, for that purpose.

The VICE-PRESIDENT. The Senator from Maine moves that a committee of three be appointed to wait upon the President of the United States and inform him that a quorum of the Senate has assembled, pursuant to his proclamation, and that the Senate is ready to proceed to business.

The motion was agreed to; and the Vice-President being authorized, by unanimous consent, to appoint the committee, Messrs. HAMLIN, SHERMAN, and CASSERLY were appointed.

ADJOURNMENT TO THURSDAY.

Mr. ANTHONY. Now I renew my motion that when the Senate adjourns to-day it be to meet on Thursday next.

Mr. BOREMAN. It seems to me that we might as well meet to-morrow. We do not expect to do much for a day or two, but we can get under way and do something toward facilitating our business to-morrow. We shall not stay here very long at all events, and I think we might as well commence our business, so as to complete it as soon as possible.

Mr. CONKLING. If my friend from West Virginia had been in a moment before, he would have heard the expression of opinion of various Senators from all over the chamber against meeting to-morrow, the desire being almost universal to have that day for rest. I hope we shall be allowed to vote and not spend time on the question.

Mr. BOREMAN. I shall vote against the motion, but I shall not press any opposition in debate. The question is with the Senate.

The VICE-PRESIDENT. The question is on the motion of the Senator from Rhode Island, that when the Senate adjourns to-day it be to meet on Thursday next.

The motion was agreed to.

Mr. CONKLING. Now, unless some Senator has another motion to make, I move that the Senate adjourn.

The motion was agreed to; and (at twelve o'clock and fifty-two minutes p. m.) the Senate adjourned.

IN THE SENATE.

THURSDAY, March 6, 1873.

Prayer by Rev. J. P. NEWMAN, D. D.

The journal of the proceedings of Tuesday last was read and approved.

Hon. WILLIAM G. BROWNLOW, from the State of Tennessee, appeared in his seat to-day.

SWEARING IN OF SENATORS.

The VICE-PRESIDENT. If there are any Senators-elect present who have not been sworn in, they will now advance to the chair.

Mr. STEWART. I ask that the oath be administered to my colleague.

Hon. ORRIS S. FERRY, from the State of Connecticut, and Hon. JOHN P. JONES, from the State of Nevada, advanced to the chair, and the oaths prescribed by law having been administered to them, they took their seats in the Senate.

Mr. CRAGIN. I ask that the oath of office be administered to my colleague.

Hon. BAINBRIDGE WADLEIGH, from the State of New Hampshire, and Hon. George E. Spencer, from the State of Alabama, advanced to the chair.

Mr. BAYARD. Do I understand the Senator from Alabama proposes to be sworn in at this time?

The VICE-PRESIDENT. The Chair so understands.

Mr. BAYARD. I shall object to the swearing in of Hon. George E. Spencer, from Alabama, until the question of the credentials of another and opposing Senator have been considered. I make no objection to the honorable Senator from New Hampshire being sworn in. The Chair called the honorable Senator from New Hampshire; but I observed Mr. Spencer approach the chair and hold up his hand to be sworn at the same time. He is now aware, if he was not before, that there is objection to his being sworn in as a member of this body until the credentials of a person who claims title to the seat, as well as his own credentials, have been submitted to the scrutiny and the report of a committee of this body. When they have been passed upon and the Senate have made their order, I think it will be time to swear in whoever was legally elected.

As a member of this body, I desire that its proceedings shall be conducted with regularity. The Chair will understand that there is not the least objection to the swearing in of the honorable Senator from New Hampshire, but simply to the proposed member from Alabama, who was not called by the Chair, and yet who approached and raised his hand for the purpose of taking the oath of office.

The VICE-PRESIDENT. The Chair will first administer the oath to the Senator-elect from New Hampshire.

Mr. CAMERON. Allow me a moment, Mr. President. I desire to correct an error made by the Senator from Delaware.

The Senator says that the name of George E. Spencer was not called by the Vice-President. I am very much mistaken if his name was not called, both his name and that of the Senator from New Hampshire. Am I correct?

The VICE-PRESIDENT. The Chair will state that an invitation was extended to Senators who had not been sworn to advance to the chair and have the oath administered. Objection has been made to administering the oath to Mr. Spencer. The Chair therefore will first administer the oath to the Senator-elect from New Hampshire, and then the objection will be considered.

The oaths prescribed by law were administered to Mr. WADLEIGH, and he took his seat in the Senate.

SENATOR FROM ALABAMA.

Mr. MORTON. If it is in order I offer the following resolution and ask for its present consideration.

The VICE-PRESIDENT. The question before the Senate is on administering the oath to the Senator-elect from Alabama.

Mr. MORTON. Let my resolution be deferred, then.

Mr. HAMLIN. On that matter I desire to say only that the usual practice of the Senate has been, I believe, to administer the oath of office to a Senator who presents himself with credentials in the usual form. Such I understand to be the case with Mr. Spencer; indeed his contestant admits that. That in no way and in no manner involves an examination and discussion of the merits of the case subsequently. I believe, however, precedents may be found in the Senate where credentials have been referred to the Committee on the Judiciary formerly, and since the creation of the new committee, to the Committee on Privileges and Elections, and the oath of office refused; but the usual practice has been the other way, and I am not sure but that the practice has been uniform. At all events it does not involve the question of the right of either party if the member is sworn in upon the credentials presented. It seems to me, therefore, better that the oath of office should be administered and the contest referred to the Committee on Privileges and Elections, where it belongs.

Mr. ALCORN. I move that the credentials of Mr. Spencer be taken from the table and read for information.

Mr. BAYARD. If I may amend that motion, I propose that the credentials of Mr. Francis W. Sykes be read also in connection with them.

The VICE-PRESIDENT. It is moved that the credentials of Mr. Spencer and Mr. Sykes be read.

Mr. ALCORN. I do not see the propriety of reading anything but credentials.

The VICE-PRESIDENT. The papers in regard to this case have been ordered to be printed, and have not been returned from the printer.

Mr. BAYARD. I understand the Chair to state that the papers—that is to say, the memorials and credentials—of these two parties, Mr. Spencer and Mr. Sykes, have been ordered to be printed for the use of the Senate, and that as yet they have not been returned from the printer.

The VICE-PRESIDENT. The Chair is so informed by the Secretary.

Mr. BAYARD. Then, as the subject is filled with grave importance, and as it should be accompanied with all that decorum which befits its gravity, I move that the consideration of the application of Mr. Spencer and of Mr. Sykes to be sworn in be postponed until to-morrow, or such other day as the printer shall have made return of the papers and memorials for the information of the Senate.

The VICE-PRESIDENT. It is moved by the Senator from Delaware that the question of administering the oath to Mr. Spencer be deferred until to-morrow, or some day when the papers shall have been returned by the printer.

Mr. CONKLING. The suggestion of the Senator from Delaware is made, as to terms and manner, in a way entirely unexceptionable.

Mr. ALCORN. Will the Senator permit me to interrupt him for a moment? I wish to inquire, with the permission of the Senator from New York, whether it is true that there are credentials here for any one but Mr. Spencer?

Mr. CONKLING. I will come to that in a moment. It was on that point that I rose to speak. I was in the act of observing that the Senator from Delaware has put in the least exceptionable and least offensive form an objection which, in its nature, is somewhat abrupt whenever it is made in either House. In the other House it has been made sometimes; always there, I believe, however, in cases growing out of the war, or what I may denominate the reconstruction policy of Congress. My impression is that it has been made here once or twice, as suggested by the Senator from Maine, and always in cases coming from the Southern States at a time when the question of the Statehood or status of those States was in some way involved. The honorable Senator from Delaware deems it his duty to make it now; but I submit to the Senate, and to him, that nothing is to be gained by it, and that upon the state of the case, as I understand it, the Senator need not and ought not to ask even a postponement. It appears from the records of the Senate that credentials are here for Mr. Spencer in the ordinary form and involving on their face no question. There has been laid upon the table of the Senate, not credentials for Mr. Sykes, but a memorial, which the Senator from Delaware has, and which I have.

Mr. BAYARD. Allow me to interrupt the honorable Senator from New York.

Mr. CONKLING. Certainly.

Mr. BAYARD. The honorable Senator will find upon the front of this memorial, in its very commencement, the credentials, and they will be found in full; that is to say, a certificate of the election by the legislature of Alabama, according to the forms of the Federal law passed in 1866, of Mr. Sykes; and those papers are duly authenticated and are on the Clerk's table; it is these papers which were ordered to