TRACT NO. II.
Published by the Republican Association of Washington, under the direction of the Congressional Republican Executive Committee.

LANDS FOR THE LANDLESS.

It is proposed, in the following pages, to exhibit the record of the votes and proceedings in both branches of Congress, during the session which terminated on the 3d of March, 1859, upon the disposition of the public domain of the United States.

The official report of these votes and proceedings in the Congressional Globe will be referred to by the pages of that work, so that the reader who chooses to do so may verify the accuracy of the quotations made.

No subject can be more important than that of the disposition of our public lands. In extent, they embrace one thousand millions of acres, and the manner of their disposition affects the social condition of the people of the old States as well as of the new States.

A great question long existing in respect to these lands has at last assumed a definite form, and has become a touchstone of parties. That question is, whether the public domain shall be open to monopoly by speculators, leading inevitably to a landed aristocracy, or whether it shall be reserved for actual occupants, in small quantities, at a nominal price, or without price.

This question has always existed, but it is only recently that it has assumed a practical form, by being taken up by a great national party.

Until recently, the country was divided into two national parties, both of which were either controlled or modified in their action by the slaveholding interest of the South. From the nature of the case, that interest is opposed to pre-emption laws and homestead laws, because Slavery cannot exist at the same time with a system of small freeholds. If our new States are occupied in quarter sections, they will be occupied by farmers, and not held by speculators or great planters.

Thus, then, until the recent reorganization of the Jeffersonian Republican party, there was no national party which was in a condition to take up this question, because, until the reorganization of this party, there was none which was not influenced or controlled by an interest adverse to pre-emptions and homesteads.

On the 20th of January, (page 492,) a bill relating to pre-emptions, reported from the Committee on Public Lands, was pending before the House. The bill proposed to make some changes in the details of existing pre-emption laws, but without affecting the substance of the present system of disposing of the public lands. It was, however, in Parliamentary order to propose to amend the bill, so as to change the present system, and to bring the House to a direct vote upon such propositions. The friends of such changes were prompt to avail themselves of this advantage.

Mr. Grow, of Pennsylvania, moved to amend the bill by adding the following as an additional section:

"Be it further enacted, That from and after the passage of this act, no public land shall be exposed to sale by proclamation of the President, unless the same shall have been surveyed, and the return of such survey duly filed in the Land Office, for ten years or more before such sale."

It was impossible to assail this amendment of Mr. Grow as being out of order. It was strictly germane to the pending bill, and, unless the bill itself could be got rid of by some side blow, a direct vote upon the amendment was inevitable. The slaveholding aristocracy, who are bold enough when it is necessary to be bold, but who are crafty as well as bold, forthwith resorted to Parliamentary tactics to avoid a direct issue upon Mr. Grow's proposition.

Their first movement was a motion to refer the bill and amendment to the Committee of the Whole, familiarly and aptly styled "the tomb of the Capulets." If that reference had been carried, the bill would never have been reached, and would never have been heard of afterwards.

The vote upon the motion to refer the bill to the Committee of the Whole was as follows—the Democrats in Roman, the Republicans in Italic, and the South Americans in small capitals:

YEARS, 90.
Maine—Wood......................................... 1
New Hampshire........................................... 0
Vermont.................................................. 0
Massachusetts.......................................... 0
Connecticut—Arnold, Bishop.......................... 2
Rhode Island........................................... 0
New York—Burroughs, Maclay, Russell, Taylor...... 4
New Jersey—Wortendyke............................... 1
Pennsylvania—Ahl, Chapman, Dewart, Montgomery, Morris, Ritchie, White............. 7
Delaware.................................................. 0
Maryland—Harris, Richard.............................. 2
Virginia—Bocock, Caskie, Edmundson, Faulkner, Garrett, Wilson, Powell............... 7
North Carolina—Craige, Ruffin, Scales, Winslow 4
South Carolina—Boyece, Branch, Keitt, McQueen, Miles........................................ 5
Georgia—Crawford, Gartrell, Jackson, Seward, Stephens, Trippe, Wright.................. 7
Florida—Hawkins....................................... 1
Alabama—Curry, Houston, Moore, Shorter........... 4
Mississippi—Barksdale, Davis, McLane................ 3
Louisiana—Exits, Sandridge, Taylor.................. 3
Texas—Bryan, Rengan................................ 2
Tennessee—Atkins, Jones, Maynard, Ready, Savage, Watkins, Zollicoffer............... 7
Kentucky—Burnett, Jewett, Marshall, Peyton, Stevenson, Talbott, Underwood......... 7

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Arkansas
Missouri—Anderson, Caruthers, John B. Clark, James Craig, Phelps, Woodson
Ohio—Burns, Cochrell, Groesbeck, Howland, Lawrence, Nichols, Pendleton, Vallandigham
Indiana—Davis, English, Gregg, Hughes, Niblick
Illinois—Marshall, Morris, Shaw, Smith
Michigan
Wisconsin
Iowa
Minnesota
California

NAYS, 92.

Maine—Foster, Gilman, Morse, Washburn
New Hampshire—Craig, Tappan
Vermont—Morrill, Royce, Wilson
Massachusetts—Brighton, Burlington, Chase, Comins, Davis, Halt, Knapp, Thayer
Rhode Island—Brayton, Durfee
Connecticut—Clark, Dean
New York—Andrews, Clark, John Cochran, Dodd, Fenton, Granger, Hatcher, Hoard,Kelley, Matheron, Morse, Murray, Olin, Palmer, Parker, Sherman, Spence, Thompson
New Jersey—Robbins
Pennsylvania—Chapman, Cudahy, Edie, Florence, Grow, Kein, Morris, Phillips, Purvisance, Ritchie, Stewart
Delaware
Maryland—Stewart
Virginia
North Carolina
South Carolina
Georgia
Florida
Alabama
Mississippi
Louisiana
Texas
Tennessee—Athens, Arrey, Jones, Savage
Kentucky—Jewett, Stevenson, Talbott
Ohio—Bingham, Bliss, Cochrell, Giddings, Horlton, Horton, Lawrence, Leiter, Miller, Mott, Sherman, Stanton, Tompkins, Wade
Indiana—Colfax, Kilgore, Pettit, Wilson
Illinois—Farnsworth, Kellogg, Lovejoy, Washburne
Michigan—Howard, Leach, Walkbridge, Widom
Wisconsin—Bingham, Bliss, Cox, Gillings, Hall, Leder, Mott, Sherman, Stanton, Tompkins, Wake

Ohio—Bingham, Bliss, Cox, Gillings, Hall, Leder, Mott, Sherman, Stanton, Tompkins, Wake

Indiana—Colfax, Foley, Kilgore, Pettit, Wilson
Illinois—Farnsworth, Kellogg, Lovejoy, Washburn

Michigan—Blair
Missouri—Blair
Michigan—Howard, Leach, Walkbridge, Widom
Wisconsin—Potter, Washburn

Iowa—Curtis, Davis
California—Scott
Minnesota—Cavanaugh, Phelps

The motion to refer the bill to the Committee of the Whole having thus failed, the House was brought to a direct vote upon Mr. Grow's amendment, which was adopted by the following vote:

Yeas, 92.

Maine—Foster, Gilman, Morse, Washburn, Wood
New Hampshire—Craig, Pike, Tappan
Vermont—Morrill, Royce, Walton
Massachusetts—Brighton, Burlington, Chase, Comins, Davis, Duvv, Gooch, Hall, Knapp, Thayer
Rhode Island—Brayton, Dorf
Connecticut—Dean
New York—Andrews, Bennett, Baroughs, Clark, John Cochran, Dodd, Fenton, Grun-
Upon the adoption of Mr. Grow's amendment, the Republican vote, as will be seen, was unanimously in the affirmative. Of the votes from the slave States, all but nine were in the negative, and, as we shall presently see, there was only one of that number who was really in favor of it, this one being Mr. Blair, of Missouri.

Mr. Grow's amendment being incorporated into the bill, the next question was upon the passage of the bill, which was defeated by the following vote:

YEARS 91.

Maine—Foster, Morse, Washburn, Wood . . . . . 4
New Hampshire—Crosin, Pike, Tappan . . . . . 3
Vermont—Morrill, Royce, Walton . . . . . 3
Massachusetts—Bufton, Burlingame, Chauncey, Conline, Davis, Dawes, Gooch, Hall, Knapp, Thayer . . . . . 10
Rhode Island—Brayton, Durfee . . . . . 2
Connecticut—Clark, Dean . . . . . 2
New York—Andrews, Bennett, Burroughs, Clark, C. B. Cochran, John Cochran, Dodd, Fenton, Granger, Hatch, Haoad, Kelsey, Mattison, Morgan, Morse, Murray, Olin, Palmer, Parker, Spinafer, Thompson . . . . . 21
New Jersey—Clowson, Robbins . . . . . 2
Pennsylvania—Coward, Dietz, Ede, Grow, Klein, Marple, Purnall, Ritchie, Stewart . . . . . 9
Delaware . . . . . 0
Maryland—Davis . . . . . 1
Virginia . . . . . 0
North Carolina . . . . . 0
South Carolina . . . . . 0
Georgia . . . . . 0
Florida . . . . . 0
Alabama . . . . . 0
Mississippi . . . . . 0
Louisiana . . . . . 0
Texas . . . . . 0
Arkansas . . . . . 0
Tennessee . . . . . 0
Kentucky . . . . . 0
Ohio—Bingham, Bliss, Cox, Guilding, Hall, Harlan, Horton, Leier, Miller, Mott, Sherman, Stanton, Tappin, Wade . . . . . 14
Michigan—Howard, Leach, Walbridge, Waldron . . . . . 4
Indiana—Colfax, Kilgore, Petit, Wilson . . . . . 4
Illinois—Farnsworth, Kellogg, Longley, Morris, Washburne . . . . . 5
Wisconsin—Potter, Washburn . . . . . 2
Iowa—Curtis, Davis . . . . . 2
Minnesota—Cavanaugh, Phelps . . . . . 2
Missouri—Blair . . . . . 1
California . . . . . 0

New York—Corning, Russell, Searing, Taylor . . . . . 4
New Jersey—Huyler . . . . . 1

Navv, 95.

Pennsylvania—Ahl, Chapman, Dewart, Florence, Jones, Leidy, Montgomery, Phillips, White . . . . . 9
Delaware—Whitely . . . . . 1
Maryland—Bowie, Bixby, Stewart . . . . . 3
Virginia—Boseck, Caskie, Edmundson, Garrett, Goode, Hopkins, Millson, Powell . . . . . 8
North Carolina—Craig, Gilmer, Ruffin, Scales, Shaw, Vance, Winelow . . . . . 7
South Carolina—Bouham, Boyce, McQueen . . . . . 3
Georgia—Crawford, Gartrell, Jackson, Stephens, Trippe, Wright . . . . . 6
Florida—Hawkins . . . . . 1
Alabama—Cobb, Dowell, Houston, Moore, Shorter, Stallworth . . . . . 6
Mississippi—Barksdale, Davis, McRae, Singleton . . . . . 6
Louisiana—Sandidge, Taylor . . . . . 2
Arkansas—Greenwood . . . . . 1
Tennessee—Atkins, Avery, Jones, Maynard, Ready, Savage, Smith, Watkins, Zollhoefer . . . . . 9
Kentucky—Burnett, Clay, Elliott, Jewett, Marshall, Mason, Peyton, Stevenson, Talbott, Underwood . . . . . 10
Ohio—Burns, Cockerill, Groesbeck, Pendleton, Vallandigham . . . . . 5
Indiana—Davis, Foley, Gregg, Hughes . . . . . 4
Illinois—Marshall, Shaw . . . . . 2
Michigan . . . . . 0
Wisconsin . . . . . 0
Iowa . . . . . 0
Missouri—Anderson, Caruthers, Clark, Craig, Phelps, Woodson . . . . . 6
Minnesota . . . . . 0
California . . . . . 0

The defeat of the bill, in consequence of the incorporation into it of Mr. Grow's amendment, shows that a majority of the House was really opposed to that amendment, although it had been adopted by a vote of 98 to 81. Certain members, who did not dare to vote directly against the amendment, joined in killing it afterwards, by killing the bill, of which it had been made a part by their own votes.

Thus Messrs. Stewart of Maryland, Atkins, Avery, Jones, and Savage, of Tennessee, and Jewett, Stevenson, and Talbott, of Kentucky, who had voted for the amendment, voted afterwards against the bill. Only one, Mr. Blair, of the nine Southern supporters of the amendment, proved true to it in the end, and no other Southern member came to its support in the final vote, saving only Mr. Davis of Maryland, who represents the free-labor interests of the city of Baltimore, rather than the interests or passions of the slaveholding and landed aristocracy of the planting States.

Afterward, on the same day, when these votes upon Mr. Grow's amendment were given, the representatives from Minnesota, both of them members of the Democratic party, delivered speeches, in which they made no secret of their chagrin that a measure so vital to their constituency was opposed by the nearly unanimous opposition of their political friends. Mr. Cavanaugh (page 505) said:

"In reference to the vote on this bill to-day, with an overwhelming majority of this side of
the House voting against my colleague and myself, voting against this bill, I say frankly, I say in sorrow, that it was to the Republican side of the House to whom we were compelled to look for support of this just and honorable measure. Gentlemen from the South, gentlemen who have broad acres and while plantations, aided here to-day by their votes more to make Republican States in the North than by any vote which has been cast within the last two years. These gentlemen come here and ask us to support the South; yet they, to a man almost, vote against the free, independent labor of the North and West.

"I, sir, have inherited my Democracy; have been attached to the Democratic party from my boyhood; have believed in the great truths as enunciated by the 'fathers of the faith,' and have cherished them religiously, knowing that, by their faithful application to every department of this Government, this nation has grown up from struggling colonies to prosperous, powerful States. But, sir, when I see Southern gentlemen come up, as I did to-day, and refuse, by their votes, to aid my constituents, refuse to place the actual tiller of the soil, the honest, industrious laborer, beyond the grasp and avarice of the speculator, I tell you, sir, I falter and I hesitate."

The amendment of Mr. Gouge, forbidding the public sales of lands for at least ten years after their survey, would secure the great bulk of the lands to pre-emptors, and would give to pre-emptors a long pay day, and thus save them from the enormous sum they are now compelled to pay to money lenders. It would not reduce the revenue derived by the Treasury from the sale of the lands of a public character and which are substantially ready to be sold this postponement would be far less prejudicial to the Government than it would be beneficial to the settler. The Government can borrow money at four and a half per cent, per annum, while the settler frequently pays five per cent, per month for the money to enter his lands, to prevent their sale at public auction.

On the 1st of February the question of the public lands was again before the House, the pending bill (House bill No. 72) being a bill to secure homesteads to actual settlers, and being in the words following:

**A BILL TO SECURE HOMESTEADS TO ACTUAL SETTLERS ON THE PUBLIC LANDS.**

**Be it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who has been at the head of a family, or has arrived at the age of twenty-one years, and is a citizen of the United States, and who has residing in the United States, and the bona fide resident of the United States, is required by the laws of the United States, shall, and upon the passage of this act, be entitled to enter upon the public lands, the same as the owners or agents or representatives of the United States, and the same as the owners of the public lands which may, at the time the application is made, be subject to private entry, at $1.25 per acre, or a quantity equal thereto, to be located in a body, in conformity with the local subdivision of the public lands, and after the same shall have been surveyed.**

Sec. 2. **And it is further enacted, That the person applying for the same, shall, upon having obtained his survey, at the office in which he or she is about to make such entry, make affidavit before the said register that he or she is the true owner of the land, and if under the age of twenty-one years, and that such application is made in his or her exclusive use and benefit, and those specially mentioned in this act, and not either directly or indirectly for the use or benefit of any other person or persons, whatever; and upon making the affidavit as above required, and filing the affidavit with the register, the person or persons whose names appear thereon, shall be deemed to have obtained the quantity of land already specified: Provided, That no certificate shall be given or patent issued therefor until the expiration of five years from the date of such entry; and, if, at the expiration of such time, or at any time thereafter, the person making such entry, or, if he be dead, his widow, or, in case of her death, his heirs, or devisees, or, in case of a widow making such entry, her heirs or devisees, or the testator, or his devisees, shall have received, by affidavit, from the register, or any person legally authorized to make such affidavit, fraud witnesses that he, she, or they, have continued to reside upon and cultivate such land, and shall reside upon the same, and have not alienated the same, or any part thereof, shall be entitled to a patent for the same.**

Sec. 3. **And it is further enacted, That the register of the land office shall note all such applications on the tract-books and plots of his office, and keep a register of all such entries, which shall be published at least once in each year, and before the beginning of every session of Congress.**

Sec. 4. **And it is further enacted, That all lands acquired under the provisions of this act by any one person or through his or her claimants, shall be entitled to the benefit of said act, and the same shall be deliverable to the satisfaction of any debt or debts contracted prior to the issuing the patent therefor.**

Sec. 5. **And it is further enacted, That the register of the land office shall, at any time after filing the affidavit, as required in the second section of this act, and before the expiration of the five years aforesaid, it shall be proven, upon due notice to the settler, to the satisfaction of the register, that he, she, or they, have not resided upon and cultivated the lands acquired under the provisions of said act, and the register, if satisfied of such abandonment, shall have the power to make a return to the Secretary of the Treasury, of the lands so entered to revert back to the Government, and be disposed of as other public lands are now by law, subject to an appeal to the General Land Office.**

Sec. 6. **And it is further enacted, That no individual shall be permitted to make more than one entry under the provisions of this act, and that the Commissioner of the General Land Office shall be required to exercise such power, as rules and regulations, consistent with this act, as shall be necessary and proper to carry its provisions into effect; and that the receipts of the receivers of the General Land Office shall be entitled to receive the same compensation for any lands entered under the provisions of this act that they are now entitled to receive when the same quantity of land is entered with money, one half to the General Land Office; and no entry whatever in existing pre-emption rights.**

The previous question having been ordered, the House was brought to a direct vote upon this bill, without debate.

A motion to lay the bill on the table was lost—yeas 77, nays 113; and the bill was then passed—yeas 120, nays 76.

As these two votes were substantially the same, we only give the last one, which was upon the passage of the bill, and which was as follows:---

**YEARS, 120.**

Maine—Abbott, Foster, Gilman, Morse, Wash-... 5
New Hampshire—Brown, Foss, Tappan... 3
Vermont—Morrill, Rogers, Walton... 3
Massachusetts—Diminon, Darlimger, Chaffee, Comins, Davis,Duques, Gooch, Hall, Knapp, Thoreau, Fenton, Leavitt... 10
Rhode Island—Brown, Poage... 2
Connecticut—Bishop, Clark, Dow... 2
New Jersey—Adrain, Clavon, Robbins, Wor-... 4
Pennsylvania—Covode, Dick, Florence, Gove, Hickman, Keim, Morris, Phillips, Purviance, Reilly, Roberts, Stewart, Kunkel... 13
Delaware .......................... 0
Maryland .......................... 0
Virginia ............................ 0
North Carolina ..................... 0
South Carolina ..................... 0
Georgia ............................. 0
Florida ................................ 0
Alabama ............................. 0
Mississippi ......................... 0
Louisiana .......................... 0
Texas ................................ 0
Arkansas ............................ 0
Tennessee—Jones .............. 1
Kentucky—Jewett ............. 1
Ohio—Bingham, Bliss, Burns, Cockerill, Cox, Giddings, Groesbeck, Hall, Harlan, Horton, Lawrence, Leiter, Miller, Pendleton, Sherman, Stanton, Tompkins, Vallandigham, Wade.... 19
Indiana—Case, Coffey, Davis, Foley, Gregg, Kileyre, Pettis, Wilson ........... 8
Illinois—Farmworth, Hodges, Kellogg, Logan, Morris, Smith, Washburne .... 7
Michigan—Howard, Leach, Walbridge, Wadron ...... 4
Wisconsin—Billinghurst, Potter, Washburn ...... 3
Minnesota—Cavanaugh, Phelps ........ 2
Iowa—Curtis, Davis ............. 2
Missouri—Craig .............. 1
California—McKibbin, Scott ...... 2

NAYS, 76.

Maine .................................. 0
New Hampshire ........................ 0
Vermont .............................. 0
Massachusetts ........................ 0
Rhode Island ........................ 0
Connecticut .......................... 0
New York ............................. 0
New Jersey ........................... 0
Pennsylvania—Leidy .............. 1
Delaware—Whitely .............. 1
Maryland—Bowie, Davis, Harris, Kunkel, Ricard, Stewart .... 6
Virginia—Bocock, Caskie, Edmundson, Faulkner, Garnett, Goode, Hopkins, Jenkins, Letter, Millson, Smith ....... 11
North Carolina—Branch, Craige, Gilmer, Ruffin, Scales, Shaw, Vance, Winslow .... 8
South Carolina—Bonham, Boyce, Keitt, McQueen, Miles ....... 5
Georgia—Crawford, Gartrell, Hill, Jackson, Seward, Stephens, Tripple, Wright .... 8
Florida .............................. 0
Alabama—Cobb, Curry, Dowell, Houston, Moore, Shorter, Stallworth .......... 7
Mississippi—Barksdale, Lamar, McRae, Singleton ........ 4
Louisiana—Eustis ............... 1
Texas—Reagan ........................ 1
Arkansas—Greenwood ......... 1
Tennessee—Atkins Avery, Maynard, Ready, Smith, Watkins, Wright, Zollicoffer ... 8
Kentucky—Burnett, Marshall, Mason, Peyton, Underwood .... 5
Ohio—Nichols ..................... 1
Indiana—English, Hughes, Niblack .... 3
Illinois—Marshall, Shaw .......... 2
Michigan ............................ 0
Wisconsin ........................... 0
Minnesota ................................ 0
Iowa .................................. 0
Missouri—Anderson, Clark, Woodson .... 3
California ................................ 0

Only three Southern members, Jones of Tennessee, Jewett of Kentucky, and Craig of Missouri, voted for the bill, thereby marking unmistakably the sectional character of the opposition to it.

The Republican vote, with a solitary exception, was given solid for the bill.

Of the Northern members, connected with the Democratic party, twenty-nine voted for the bill and six voted against it.

Thus, of the entire Democratic vote in the House, a large majority was against the bill, but even this is less important than the other fact, that the Southern wing of the party was almost unanimously against it, being this Southern wing which controls in the party councils, and which, when out-voted in the House, has other departments of the Government, the Senate and the President, with which it is more powerful, and by means of which it has so far rarely failed to defeat measures, however popular and beneficial, which it dislikes.

The homestead bill had now passed the House by a decisive majority, but it had yet to encounter the more dangerous ordeal of the Senate, in which the Democratic majority was larger, and in which the representation of the slaveholding States is proportionately greater.

No direct vote upon the bill was, in fact, reached in the Senate. The Southern managers would not permit a direct vote, and it is proposed to show by what methods they evaded it.

At that stage of the session, the Senate is the theatre of almost daily contests for the priority of business, it being in the power of the majority at any time to lay aside all pending or assigned business, and take up any bill which they desire to act upon.

There are thus two ways of killing off obnoxious measures. One is, to act upon them and vote them down. Another is, tooverslaugh them whenever they are proposed, by proceeding to consider some other business. This latter method is invariably resorted to where a measure, obnoxious to a majority of the Senate, is supposed to be acceptable to the people. And it was precisely by this method, and for that reason, that the homestead bill was run over, shoved aside, evaded, and left unacted upon, by the Senate during its last session.

For a proper understanding of the proceedings by which this overslaughing of the homestead bill was accomplished, it is necessary to observe that two other subjects—viz: the regular appropriation bills and the bill for the purchase of Cuba—were being pressed upon the time of the Senate during the last days of the session, and both of them commanding the support of the majority of that body.

On the 17th day of February, Mr. Wade, of Ohio, (page 1074,) moved to postpone all prior orders and take up the homestead bill, which had passed the House. The following extracts from the debate upon this motion will exhibit the points made:

"Mr. Wade. The homestead bill, to which
am a good deal attached, has, I believe, twice
passed the House and come to this body, but
somehow it has had the go-by, and we have
never had a direct vote upon it here that I
know of. I propose to discuss it for a
single moment, and I hope none of its friends
will debate it, because it has been pending be-
fore Congress for several years, and I presume
every Senator is perfectly well acquainted with
all its provisions, and has made up his mind as
to the course he will pursue in regard to it. I
have no hope that anything I could say would
win any opponent of the bill to its support;
and I hope every friend of the measure will
take no time in debate, but will try to get a
vote upon it, for I think it is the great measure
of the session. All I want, all I ask, is to have
a vote upon it.

Mr. Rain, of North Carolina. I think it is
too late in the session now to take up this bill
to be acted upon here, at least until we act
upon other great measures upon which there is
more unanimity of sentiment in the country,
and a higher sense of duty upon us to pass them
during the few days of the session that remain.

Mr. HUNTER, of Virginia. I believe that a
fortnight from to-day will take us to the 3d of
March. Now, it is known that we have nearly
all the important appropriation bills, and one
that is unfinished, to take up. I hope there will
be no effort to press this homestead bill, so as
to displace the appropriation bills. I must appeal
to the Senate to consider how little of the session
is now left to us, and whether we ought not to
take up the appropriation bill and dispose of it.

Mr. SMITH, of Minnesota. The friends of
this bill desire nothing but a vote upon it, not
to waste time in debate. Let us take it up,
and have a fair vote upon it.

Mr. HUNTER. I do not conceal the fact that
I am very much opposed to it, but I suppose
whenever this bill comes up, it must be the
subject of debate.

Mr. WILSON, of Massachusetts. I appreciate
the anxiety of the Senator from Virginia to take
up the appropriation bill; but I would suggest
to that Senator that he allow us to take up this
bill, and have a vote upon it. I do not sup-
pose that anybody, who is in favor of the
measure, desires to consume the time of the
Senate, at this stage of the session, by discuss-
ing it. It has been discussed before the nation.

It is well understood. I believe it is sustained
by an overwhelming majority of the people of
the country.

Mr. Wade. I have no doubt, from the busi-
ness before us, that this is the last opportunity
we shall have to act upon it this great measure.
I hope, as I said before, every friend of it will
stand by it until it is either triumphant, or de-
feated, and that, too, in preference to any other
business that may be urged upon us. As to
the appropriation bills, I have not the least fear
but that they will go through. Their gravita-
tion carries them through.

The question was then taken, and Mr. Wade's
motion was carried by the following vote, the
Republicans being indicated by italics:

Yeas—Messrs. Bright, Broderick, Chamber, Colli-
nor, Darcy, DeBakey, Escalon, bod, Foster, Gwin, Hale, Hunt-
in, Johnson of Tennessee, King, Fugh, Rice, Soedor,
Steward, Waddens, Smith, Stuart, Townsend, Wade, and
Winter—23.

Nay—Messrs. Allen, Bates, Bayard, Bogert, Brown,
Chesnut, Clay, Cushing, Davis, Fitch, Fitzpatrick, Green,
Hammond, Hunter, Iverson, Lane, Mallory, Mason, Pearce,
Red, Sanford, Tombs, and Ward—23.

Upon an examination of this vote, it will be
seen that the Republicans voted unanimously in
the affirmative, and that the Southern Senators
were all in the negative, with the solitary excep-
tion of Mr. Johnson of Tennessee, who is a self-
made man, separated from the people, and with
no personal connections with the slaveholding
aristocracy of his section of the country. Of the
Northern Democrats, Gwin, Bright, Fugh, Rice,
Shields, Smith, and Stuart, all being from the
new States, voted for Mr. Wade's motion.

The homestead bill was now up, and so far as
its friends were concerned, nothing was asked
but a vote, which would not have consumed ten
minutes. But a vote was precisely what the
Southern managers were determined to avoid.

Instantly, therefore, upon the announcement of
the success of Mr. Wade's motion, which brought
the bill before the Senate, Mr. Hunter took the
floor, and moved that it be set aside, so as to take
up another bill, viz.: the diplomatic and consu-
lar appropriation bill.

Now a motion to suspend was raised upon this motion
of Mr. Hunter, but it was well characterized as
"child's play," to move to set aside a bill, in-
stantly after a vote to take it up.

Pending some conversational debate upon Mr.
Hunter's motion, the hour of twelve o'clock ar-
rived, and the Vice President decided that the
Cuba bill, having been assigned for that hour
was the subject pending before the Senate.

Hereupon, Mr. Wade moved to postpone the
twelve o'clock order, and continue the consid-
eration of the homestead bill, and this motion pre-
valent by the following vote:

Yeas—Messrs. Bell, Brown, Broderick, Chamber, Clark,
Colliiner, Darcy, DeBakey, Escalon, Foster, Foster, Gwin, Hale, Hunt-
in, Johnson of Tennessee, King, Fugh, Rice, Soedor,
Steward, Townsend, Wade, and Winter—27.

Nay — Messrs. Allen, Bates, Bogert, Brown, Clay,
Cushing, Davis, Fitch, Fitzpatrick, Green, Gwin, Hammond,
Hunter, Iverson, Johnson of Arkansas, Lane, Mallory, Mason,
Pearce, Red, Sebastian, Sanford, Tombs, Ward, and Yule—19.

On this vote, an additional Southern Senator, Mr.
Bell of Tennessee, ranged himself on the side of
the homesteads. But this was offset by the rat-
ing back to the negative side of Mr. Gwin, who
is really a Southern man, and who only intends
to reside in California so long as he can hold
office there.

The homestead bill was now again before the
Senate, but the question, as stated by the Vice
President, was still upon Mr. Hunter's motion to
set it aside, and take up the consular and diplo-
matic appropriation bill.

Mr. Mason, of Virginia, threatened an "exten-
sed debate" upon the homestead bill, if its con-
sideration was insisted upon. He declared, at
any rate, for himself, that he intended to "go
into it pretty largely; because he had not yet
gotten a bill so fraught with mischief, and mischiefs of the
most devastating kind."

Mr. Wade and Mr. Seward, in brief and ener-
genic terms, exhorted the friends of the bill to
stand firm.

The vote was then taken upon Mr. Hunter's
motion, and resulted as follows:

Yeas—Messrs. Allen, Bates, Bayard, Benjamin, Bishop,
Brown, Clay, Cushing, Davis, Fitch, Fitzpatrick, Green,
Gwin, Hammond, Hunter, Iverson, Johnson of Arkansas,
The vote being a tie, the Vice President, Mr. Breckinridge, voted in the affirmative, and thus, after a long struggle, the homestead bill was, for that day, overslaught.

Of the twenty-eight votes for overslaughting it, all but five are from the South, and one of these five, Mr. Gwin, is only a temporary resident of a Slave State.

Of the twenty-eight votes in favor of sustaining the bill, only three are from the South, and of these three, only one, Mr. Johnson of Tennessee, has any affinity with what is called the Democratic party.

Two days afterwards, on the 19th of February, Mr. Wade again moved to set aside all prior orders and take up the homestead bill, but this motion was negatived by the following vote:


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Upon these two days, the 17th and 10th of February, the question was made between the consideration of the homestead bill and the consideration of the appropriation bills, the necessity of passing which last bills did not fail to be insisted upon by the Democratic managers. At a subsequent stage of the session, as will be presently seen, the question was made between considering the homestead bill and considering the Cuba bill.

Upon the 25th day of February, upon the occasion of a motion by Mr. Slidell to postpone all prior orders and take up the bill for the purchase of Cuba, Mr. Doolittle resisted it, and called upon the friends of homesteads to vote it down, so that he himself might submit a motion to take up the homestead bill. Mr. Doolittle said:

"I think it would be better to take up this question of the homestead bill and voice upon it, and then the Cuba bill will come up. I ask the friends of the homestead bill now to stand by it and give it the preference. We do not seek to antagonize it as against the appropriation bills at this hour of the session. We could not expect, or have, of the friends of this homestead bill, who act with the majority of the Senate, that they would prefer taking up the homestead bill, and come in antagonism with the appropriation bills, because they are necessary; but as between this proposition to take up the Cuba bill and the proposition to take up the homestead bill, I call upon all friends of the homestead bill on this and the other side of the Chamber to stand by it. Now is the time, or never."

The vote was then taken, and the motion to take up the Cuba bill prevailed, as follows:


The Cuba bill was now up, and the discussion upon it protracted the session late into the night, and almost into the next morning. It was distinctly seen during the progress of this discussion that it would be without practical result, and that no vote could be reached before the final adjournment of Congress.

Accordingly, at ten o'clock in the evening, Mr. Doolittle felt it to be his duty to renew the attempt to set aside the Cuba bill, the subject-matter of a manifestly idle debate, so as to take up the homestead bill. His motion to that effect, and the commencement of the debate upon it, will be found on page 1351 of the Congressional Globe. Such extracts are made as will exhibit its general character:

"Mr. TRUMBULL. If there was any assurance that the homestead bill could be taken up, after the Cuba question was disposed of, I should be willing to see it have the go-by on the present occasion; but we have sought repeatedly to bring up the homestead bill, and every movement that has been made to bring it up has been met with a counter movement, crowding it out of the way with something else. If the Senator from Virginia will give us an assurance that we shall have a chance to bring up the homestead bill, and keep it before the Senate until we can get a vote upon it, after the Cuba bill is through, and that he will not interpose an appropriation bill, I would join with gentlemen in asking my friend from Wisconsin to withdraw the motion he has made.

"Mr. HUNTER. I certainly will press the appropriation bills. I will give no promise to vote to take up the homestead bill.

"Mr. TRUMBULL. That is as I expected. We now have notice that we are to be met with an appropriation bill the moment that the Cuba question is disposed of, and here we are wasting our time, thus shutting off the session in making long speeches, and debating about the admission of a country that does not belong to us, instead of providing for the settlement of the country which we own. There can be no hope of getting up the homestead bill as against an appropriation bill.

"Mr. SEWARD. After nine hours yielding to the discussion of the Cuba question, it is time to come back to the great question of the day and the age. The Senate may as well meet face to face the issue which is before them. It is an issue presented by the competition between these two questions. One, the homestead bill, is a question of homes, of lands for the landless freemen of the United States. The Cuba bill is the question of slaves for the slaveholders of the United States.

"Mr. WADE. I am very glad that this question has at length come up. I am glad, too, that it has antagonized with this nigger question. [Laughter.] I have been trying here for nearly a month to get a straight-forward vote upon this great measure of land for the landless. I glory in that measure. It is the greatest that has ever come before the American Senate, and it has now come so that there is no dodging it. The question will be, shall we give niggers to the niggerless, or lands to the landless.

"I moved some days ago to take up this subject. It was said then that there was an ap-
proposition bill that stood in the way. The
Senator from Virginia had his appropriation
bills. It was important, then, that they should
be settled at once; there was danger that they
would be lost, and the Government would stop
in consequence; and the appeal was made to
gentlemen to give this bill the go-by for the
time being, at all events, and the appeal was
successful. The appropriation bills lie very easy
now behind this nigger operation. [Laughter.]
When you come to niggers for the niggerless,
all other questions sink into insignificance.

Mr. Woolfolk's motion to set aside the Cuba
bill for the purpose of taking up the homestead
bill, was followed by the following remark.

YER--Moore, Broderick, Cameron, Clarke, Chandler, Col-

lumer, Doolittle, Eisemann, End, Foster, Hale, Harlin, Har-

kin, Johnson of Tennessee, King, Seward, Sammurs, Ten-

nade, Wade, and Wilson--19.

This was the last attempt made to get up the
homestead bill in the Senate. It had been
once slaughtered by the appropriation bills, and now
by the Cuba bill, and no expectation remained of
reaching it during the few remaining days of the
session. The Republicans, who had endeav-
ored to get it up in all forms and on all occasions
without success, felt it to be their duty to
abandon a manifestly hopeless struggle.

From this review of the votes in the Senate
and House, it will be seen that the two great na-
tional parties, the one representing the rights of
the North and the other repre-

senting the pretensions and interests of negro
slavery, have come to a well-defined issue upon
this great matter of the disposition of the public
domain.

In the House, we see the Republicans voting
with unanimity for a proposition to secure to
pre-emptors all the public lands for the term of
ten years after their survey, forbidding, during
that time, their disposition either at public sale
or by private entry, and giving to the pre-emptor
a pay-day which would save him from usury, by
giving him time to provide means out of his
wages in which to buy his freehold. After-
wards, we find these same Republicans in the
House voting with the same unanimity for a
homestead bill. It is probable, and indeed is
known, that some Republicans preferred one
measure to the other, but they voted for both,
being agreed in the main object, which was to
preserve the public domain for the actual settler
and small cultivator, and being willing to waive
differences of opinion as to detail, so long as the
main object should be at all events secured.

In the Senate, we witness the same unanimity
on the Republican side in favor of the homestead
bill, and should have witnessed it upon the propo-
sition to prohibit sales of lands for ten years
after their survey, if a vote upon that proposition
could have been reached.

On the side of the Democratic party, we
witness an opposition to both these measures,
not indeed absolutely unanimous, but of such
a character as to render it conclusively cer-

tain that that party will continue to oppose
those measures to the end. From some of the new
States, where the general sentiment is strongly
against the monopoly of the public domain by
capitalists and non-resident speculators, the Dem-
ocratic Senators and Representatives were obliged
to vote with the Republicans upon these questions.

But the Southern Democracy voted ranks
solid against all reform; and it is the Southern
wing of that party, as all the world knows, which
controls its policy. The opposition of the slave-
holding aristocracy to homesteads and pre-empt-
tions is an inadmissible fact, and it is a fixed
fact, because it is founded upon interests which are
unchangeable. Homestead laws and pre-
emption laws, securing quarter sections of one
hundred and sixty acres to actual cultivators,
would amount to a Wilmet Proviso, which no
Supreme Court could nullify. The oligarchy
understood it well, and hence it is that their opposition
will be implacable and eternal.

One Southern Democratic Senator, Mr. Johnson
of Tennessee, and a few Southern Democratic
Representatives, voted upon these questions with
the Republicans, but this proves, not that there
is any division of opinion among the oligarchs,
but that there are portions of the South which
the oligarchs cannot fully control. The great
body of the white people of the South are non-
slaveholders, and are just as much interested in
homesteads and pre-emption laws as the people
of the free States. In some districts, these
questions have been canvassed and are under-
stood, and the Representatives of these districts
are compelled to vote on the side of free labor.
In fact, there is no better weapon with which
Republicanism can assail the oligarchy in their
own homes, than this weapon of pre-emptions
and homesteads. In fighting that battle, the
oligarchs will lose the advantage of the preju-
dice of the poor whites against the negroes and
the Abolitionists. The homestead question is a
white man's question.

The opposition of the oligarchs to pre-emptions
and homesteads being fixed and immovable,
because based upon personal and political interests
which cannot be changed, it results that the
friends of land reform, of whatever political opin-
ions in other respects, must unite to put down
this oligarchy, and the Democratic party which
is controlled by it. Whoever supports a party,
supports its measures, whatever his own individ-
ual opinions about those measures may be, and
the measures of a party are dictated by the in-
fuence which predominates in it. That there are
vast numbers of persons who habitually vote
what is called the Democratic ticket, who are in
favor of preserving the public domain for actual
settlers, is certainly true. But it is not the less
true, that such persons help to keep in power a
national party, which, from the essential nature
of its composition, and from the fixed purposes
of the power which dominates over it, must for-
ever oppose a policy which seeks to cut up the
public domain into small freeholds.

It is in vain, therefore, for the Douglasses and
Brights of the West to point to their own indi-
vidual votes in favor of homesteads and pre-empt-
tions. If the men of this stamp be admitted to
be ever so sincere and ever so reliable in those
respects, it is sufficient that they are inextricably
mixed up and allied with a party which is implac-
able to pre-emptions and homesteads. Land reform is impossible until that
power is put down; to put it down, the Democratic
party, falsely so called, must be put down. The
logic which points to that conclusion is invincible.

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