

come a law. The veto does stand, unquestionably, it seems to me, as Senators on both sides, have said, in all its technical, formal, and in that sense all its legal effect. It is an act which is the exertion of a power expended when it is exerted; and therefore that message cannot be withdrawn; but the substance of it, the persuasive force and effect of it, can be removed and is removed by a disclaimer on the part of the author by an avowal on his part that upon more full and particular information he is satisfied that the veto message ought not to have been sent and that were it in his power now he would take it back, so that the bill might stand with his signature. That is an invitation to the Senate, it is a notice given to the Senate that they must not rely upon the reasons assigned in the veto message and that they must not so far as they have a right to rely upon the President of the United States touching legislation, depend on him for the overthrow of the bill or the refusal to adopt it. How far the Senate has a right to rely on the President is prescribed in the Constitution. Arithmetically considered, one-sixth part of the power of legislation resides in the President, and is made effective by his veto. Now he says "I want to give notice that in this case I was misled, I was misinformed in regard to this bill, and therefore, although I cannot displace the veto message, and although I cannot technically cancel or annul it, I can but apprise the Senate that the reasons on which I supposed that message could rest are unfounded, and therefore as to me it falls to the ground. The argument is in favor of the bill for reasons which I have now discovered, and not against the bill for reasons which I supposed to exist, but which on fuller information I find are absent."

It seems to me that we ought to proceed to act upon the bill, the more recent communication having no effect except as it impresses the minds of Senators who are to vote with the fact that there is no such objection found by one part of the legislative power as the previous message apprised us had been found.

I can see no purpose in referring this message to any committee to ascertain the question, if it be a question, and I conceive there is no question of substance here and no question of value. If we referred the message to a committee, it would imply that we were not sufficiently advised to take action on the bill; but it might well be said that it would be inconsistent after that for the Senate to proceed in the absence of information which they had directed a committee to acquire and bring in.

It seems to me then that to preserve the consistency of the body and to observe also proper attention and industry in legislation, both Houses having acted upon this bill and passed it and there being no objection assigned to it except that which is displaced and withdrawn, the true way is to proceed, as the Constitution says we shall, and affirm whether in our judgment, despite this message—which it seems was in a sense improvident or inadvertent—the act shall become a law, and I think we are as ready to vote on that question as we ever can be after the committee has philosophized on what seems to me to admit of no doubt whatever, namely, whether when the President has sent a veto message he has sent it, and that is the end of it, and whether after it has been delivered and read, it can be withdrawn. I conceive there can be no question of that sort and it must be obviously our duty to proceed and act on the bill in form as we would in the case of any other bill to which the executive sanction had been refused.

Mr. MORTON. As this message is proposed to be referred to a committee to which I belong, I may be excused for saying a word. This message can only be regarded in the light of a recommendation to pass the bill over the veto. I think the President has no more right to withdraw a veto than he has to withdraw his signature to a bill after he has signed it. It seems to me the question is not open to argument, and I can see no occasion for referring the message to a committee and asking the opinion of a committee upon it. As has been said, it might leave the inference that there was doubt about it.

The PRESIDENT *pro tempore*. The question is on the motion to refer the last message to the Committee on Privileges and Elections.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass, the objections of the President to the contrary notwithstanding? on which the yeas and nays must be taken under the Constitution.

The question being taken by yeas and nays, resulted—yeas 36, nays none; as follows:

YEAS—Messrs. Allison, Booth, Boutwell, Burnside, Cameron of Wisconsin, Christiancy, Clayton, Cockrell, Conkling, Cooper, Cragie, Ferry, Frelinghuysen, Harvey, Hitchcock, Howe, Ingalls, Jones of Florida, Jones of Nevada, Kelly, Kernan, Key, McCreery, McDonald, McMillan, Mitchell, Morrill, Morton, Oglesby, Padlock, Patterson, Randolph, Sargent, Spencer, West, and Windom—36.

NAYS—0.

ABSENT—Messrs. Alcorn, Anthony, Barnum, Bayard, Boggs, Bruce, Cameron of Pennsylvania, Conover, Davis, Dawes, Deans, Dorsey, Eaton, Edmunds, Goldthwaite, Gordon, Hamilton, Hamlin, Johnston, Logan, Maxey, Merrimon, Norwood, Ransom, Robertson, Saulsbury, Sharon, Sherman, Stevenson, Thurman, Wadleigh, Wallace, Whyte, Withers, and Wright—35.

The PRESIDENT *pro tempore*. On the passage of the bill notwithstanding the objections of the President the yeas are 36 and the nays none. Two thirds having voted for the passage of the bill, the same is passed.

Mr. INGALLS. As this is a novel question, I suggest that it would not probably be necessary to transmit to the House the last message of the President.

The PRESIDENT *pro tempore*. It will lie on the table, if there be no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed a joint resolution (H. R. No. 165) to defray the expenses of the joint committee of the Senate and House of Representatives to prepare a suitable form of government for the District of Columbia; in which it requested the concurrence of the Senate.

JUNIUS T. TURNER—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message:

To the Senate of the United States:

For the reasons presented in the accompanying communications, submitted by the Secretary of War, I have the honor to return herewith, without my approval, Senate bill No. 561, entitled "An act for the relief of Major Junius T. Turner."
U. S. GRANT.

EXECUTIVE MANSION, August 15, 1876.

Mr. SPENCER. Let that go over to the next session.

Mr. MITCHELL. I move that the bill, with the message, be referred to the appropriate committee, the Committee on Military Affairs.

Mr. DAVIS. Is it not disrespectful to refer it without its being read? I hope no Senator will object to the message being read.

Mr. SARGENT. The message has been read; the accompanying documents have not been.

Mr. DAVIS. Senators in whom I have confidence differ with me, and I withdraw my objection.

The PRESIDENT *pro tempore*. The Senator from Oregon moves the reference of the bill and the message to the Committee on Military Affairs.

The motion was agreed to.

EXPENSES OF JOINT DISTRICT COMMITTEE.

The PRESIDENT *pro tempore* laid before the Senate the joint resolution (H. R. No. 165) to defray the expenses of the joint committee of the Senate and House of Representatives to prepare a suitable form of government for the District of Columbia.

The joint resolution was read at length. It appropriates \$3,000, or so much thereof as may be necessary, for the purpose of paying the expenses of the joint committee, one-half to be disbursed from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

By unanimous consent the joint resolution was read three times, and passed.

The PRESIDENT *pro tempore*. The Chair will now appoint the members of the Senate upon the special committee. The Chair appoints the Senator from Alabama, Mr. SPENCER; the Senator from Minnesota, Mr. WINDOM; and the Senator from Maryland, Mr. WHYTE.

PAY OF COMMITTEE CLERKS.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring,) That there be paid out of the contingent funds of the respective Houses the usual per diem allowance to clerks of committees not having a yearly salary for a period of thirty-one days from the 1st day of August, 1876.

Mr. SARGENT. That is of no value unless made a joint resolution. I move to make it a joint resolution.

The PRESIDENT *pro tempore*. The Senator from California moves an amendment to make this a joint resolution. The Chair hears no objection, and it is so modified.

By unanimous consent, the joint resolution (S. R. No. 26) authorizing an allowance to certain clerks of committees was read three times, and passed.

ALABAMA ELECTION INVESTIGATION.

Mr. SPENCER. I move that the Senate proceed to the consideration of the resolution I offered yesterday for the appointment of a committee to investigate the recent election in Alabama, and on that motion I desire to submit a few remarks.

Warned, Mr. President, by the experience of Mississippi and fully apprised of an existing conspiracy on the part of the southern democracy to overcome the republican majorities in the seceding States, no matter at what cost or hazard or by what process or formula, I was not unprepared to learn that Alabama had been fraudulently carried by the democratic party. But I confess my surprise when the result of the late election in Alabama was heralded throughout the land and so indorsed upon the floor of the Senate as a peaceable, honest, and fair election, the majority not less than forty thousand; this the legitimate result, so said, of change of political sentiment in that State.

I was astonished to hear the report, commonly made and credited, but no less false, that this overwhelming majority was accomplished by the addition of the colored vote, which, as alleged, was polled largely for the democratic nominee, and against its old associates of the republican party, freely and of its own volition; an indorsement by the colored people of the propriety of democratic reform and in vindication of the administration of the democratic governor.

Glaring and flagrant as were the frauds in Alabama at the election of 1874, when Georgia on the one side and Mississippi on the other, by preconcerted arrangement, colonized the State, stuffing the ballot-