

# NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

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We present our readers, with the index to the last volume. It requires a great deal of extra labor. We shall next week, present them with a supplement. Many arrearsages are to be brought up—especially a report from the *war department*, on the present state of the Indian tribes; the showing of the state of the *deposit banks* from the treasury department; the report of the committee of ways and means of the house of delegates of *Maryland*, on internal improvements, &c. and of the committee of the city council of Baltimore, concerning the Baltimore and Ohio rail road.

We give a pretty full report of occurrences in Florida.

Business has been very lively in Baltimore, during the whole of the present year—and, notwithstanding the severity of the late winter, supplies of foreign goods and groceries were constantly receiving, through the noble aid of the ice-boat Relief. There has been a great crowd of persons from the west. *We must finish the rail road.* Places in the stages, from Wheeling, are taken every day in advance, and at forty-eight dollars for a passage; and from Baltimore to Philadelphia, such was the state of the roads, that fifteen dollars were paid.

The house of assembly of New Jersey have rejected, by a vote of 14 ayes, to 34 noes, the proposition of the *Camden and Amboy rail road company*, to sell to the state, upon equitable terms, all their improvements.

Trial at Norristown, Penn.

*Joseph Ozilhey, jr. John West Nevins, John Naglee, jr. Ormes B. Keith and Herman Houpt*, indicted for the murder of George Willhauer, at Sunnyside, in December last, have been fully acquitted. The trial before judge Fox and his associates, lasted ten days and terminated on Friday last. A paper unanimously signed by the jury exonerated the accused from any censure or blame in the transaction which led to the death of the deceased. They were young men of about twenty years of age, and the sons of respectable citizens. Counsel for the accused, Messrs. Dallas, Miles and Hazlehurst, of Philadelphia, Montgomery, of Lancaster, Freedly, Jelly and Sterigere, of Norristown.

Thirty or forty dray loads of specie, gold and silver, have lately arrived at the United States bank, in Philadelphia, and much more is expected, to wind up the affairs of the old institution, and establish the new one, on a firm footing.

*The Louisville, Cincinnati and Charleston rail road.* The charter of the above rail road company, has passed the senate of Kentucky on Friday last week by a vote of twenty-six to eight! It has been approved by the governor, and become a law.

It seems that the attempt to negotiate the New York city water loan in Europe, has not been successful.

The New Orleans Union, of the 18th ult. says:—"While our Northern friends are complaining of great cold, snow banks, fine sleighing, &c. we are sitting very comfortably writing with our coat off, and the window raised."

Cayuga lake was frozen across at Kidder's ferry, an event unknown to the earliest settlers. The lower Lachine Rapids, on the St. Lawrence, were also frozen across to the head of the nearest island.

Some of the anti-masons in Massachusetts have made a public nomination of Mr. Van Buren, for president—but of one hundred anti-masonic newspapers in Pennsylvania, only two are said to be in favor of him.

An anti-masonic convention was lately held in Vermont, at which S. H. Jenison was nominated for governor, re-

VOL. L.—SIG. 3.

ceiving 144 votes out of 163—and Messrs. Harrison and Granger for president and vice president of the United States—the vote for president was as follows—Harrison 87, Webster 28, Van Buren 27, Granger 20, Edward Everett 1; so Harrison had a clear majority of the whole number of 11 votes. On the ballot for vice president, the majority was overwhelming for Granger. A whig convention was in session at the same time, and unanimously ratified these nominations.

It is said the clerks in the public departments at Washington, are about to *strike* for higher salaries.

*Warren bridge* is free, and great have been the rejoicings on account of it. As our paper is going to press, one hundred guns are in the act of being fired at Charlestown, Medford, and on the Boston side of the bridge. The only people who seem to regret it are some of the unfortunate individuals who got up the free bridge ticket at the last election, and who find that their "occupation's gone!" [Boston paper.]

The "Globe" says—

In reply to inquiries, we have to say that we have reason to believe that should Mr. Buchanan be instructed to vote against the expunging resolutions, he will obey or resign.

The people of Texas are divided among themselves, and, it is said, that gen. Samuel Houston and col. James Bowie have been displaced from their commands in the army.

At the beginning of the present month, *Gideon Blackburn*, D. D. visited *Wheeling*. He crossed the Alleghenies fifty-three years ago, when the whole population west of them, was only about 6,000, exclusive of the Indians and French. He is hale and vigorous, and enjoys a green old age.

*The Poughkeepsie wool market.* One house in this thriving capital of Dutchess county, New York, has, according to the Journal published there, sold 70,000 lbs. at 65 cts. cash, to a Boston concern; another 10,000 lbs. at 67 cents, and another 15,000 at 65 cents, both to dealers in New York. Still remaining on hand, in town, 100,000 lbs.

The joint stock speculations of 1835, in England, have been quite as mad, comparatively speaking, as those of 1825, which eventuated in the panic. The new companies brought forward, last year, in England, represent a capital of £48,000,000 sterling, or 240,000,000 of dollars! Very many of these will not be paid up. The joint stock companies, in mines, are forty-one, representing a capital of \$15,000,000. The lowest capital was that of Carn Gray, a tin mine, \$12,500—the highest was Terra Putina (gold) being \$2,500,000. There were thirty-five railway companies—about a third of whom will live. These represented a capital of \$170,000,000. The highest was the grand northern railway \$20,000,000. There were four between Brighton and London—one between Calcutta and Sangor—two through the north of England—one between Windsor and London—one "National Pneumatic"—one through the eastern counties, another through the western, and one "grand Atlantic railway." The miscellaneous joint stock companies were 43, the capitals forming a total of \$100,000,000. One was "the British and American steam navigation company"—another, "Pennsylvania coal, land and timber company."

During the late cold weather, the island of Nantucket had no mail communication with the main land from the 1st to the 27th ult.

Died, on the 7th February, on the Seneca reservation, in Pennsylvania, the celebration chief GAR-YAN-WAH-GAH, or CORNPLANTER, aged about 100 years.

This noble Indian, at an early period of the revolutionary war, took an active part on the side of the Americans in that glorious struggle, and has ever since manifested the utmost friendship for the whites. When solicited by Washington to send some of his young men to Philadelphia, for the purpose of being educated, he sent at the head of the band his son, Henry O'Bail—an evidence of a strong mind overcoming deep rooted and long-existing prejudices.

He, with his associate, Red Jacket, was, for many years, the counsellor and protector of the interest of his nation; and we regret that our sources of information are too limited to furnish the particulars more fully of the eventful life of this "NATURE'S NOBLEMAN."

[*Buffalo Jour.*]

The *Baltimore Chronicle*, (of which the senior editor is a member of the first branch), of Tuesday last, says:

As we anticipated, the joint committee on internal improvements made a report yesterday to the city council. The report and accompanying resolution will be found in to-day's paper—from which it will be seen, that the committee recommend a subscription of three millions of dollars to this important work, without other restriction than that it shall be applied to the extension of the road from the present point of termination. This can occasion no difficulty, inasmuch as the interests of the company as well as those of the public, would seem to require that there should be no chasm in the extension of the road.

The bill on the subject will be reported in a day or two, and we have no doubt of the prompt action of the council. Baltimore will thus have set a bright example of liberality and enterprise, which must secure the completion of this great national work within the shortest practicable period—and we congratulate our citizens on the prospect presented of an extended and lucrative internal commerce by means of this rail road. We yet want a line of packets to Liverpool, to secure a monopoly of the western trade—and we hope that this deficiency will be speedily supplied by the capitalists of our city.

The line of the road, by way of Pittsburgh or Wheeling to Lake Erie, from Baltimore, is much shorter than from any other Atlantic city—so much so, that, at New York they are about to establish a line of steamboats to carry goods, from that place for the west, and to make the voyage to Baltimore by sea—our harbor being generally open, or kept so, by the ice-boat, in the severest weather. If Maryland and the city of Baltimore, do their duty on the present occasion, it is certain that a large portion of the trade, and a great majority of all the travellers, from and to the west, will, naturally centre in and pass through this city.

The *American* of Tuesday, has also the following gratifying intelligence—

Accounts from Harrisburgh announce the passage, through the Pennsylvania house of representatives of the bill from the senate authorising the Susquehanna canal company to cross the river at Columbia, and construct their work on the western side. Various amendments and alterations have been made in it, which will carry the bill back to the senate for confirmation.

In the first branch of the Baltimore council, on Tuesday last, the report of the joint committee on internal improvements, together with the following resolution accompanying it, was taken up for consideration.

*Resolved by the mayor and city council of Baltimore,* That the mayor be and he is hereby authorised and directed to subscribe to the capital stock of the Baltimore and Ohio rail road company, the sum of three millions of dollars, in the name of the mayor and city council of Baltimore: *Provided,* that the whole sum shall be exclusively applied to the prosecution of the work in an unbroken line from Harper's Ferry, or at such a point near that place as shall be selected from which the extension shall be made.

The report and resolution were concurred in by the following vote:

YEAS—Messrs. Myers, Monmonier, Fenby, Stansbury, Thomas, Yeates, Legrand, Harker, Seidenstricker, Barnes, Mathiot, Tensfield, Scott, Gardner, Fosbener, Dryden, Russell, Coskerry, King, Wm. J. Cole, Ball, McKinnell—22.

NAY—Mr. W. H. Cole—1. [Mr. Ridgely was absent.]

The report and resolution were subsequently sent to the second branch, where they were concurred in by the following vote:

YEAS—Messrs. Lucas, Fields, Klinefelter, Reany, Schaeffer, Ready, Sheppard, Smith, McClellan—9.

NAYS—Messrs. Stuart, Carroll—2.

[Mr. Frazier absent.]

[This vote, with the action of the state, to the amount of three millions more, and the aid from *Pittsburgh* and *Wheeling*, (a million), being in all seven millions, it is believed will insure the making of the road, and at an early day. We congratulate the public on these important events. It will fix the destinies of Baltimore.]

We have the following from the *Gazette* of Wednesday last.

In addition to the above gratifying result, we have the assurance of a number of gentlemen who have been recently at Annapolis and conversed freely with the members of our state legislature, that there is every appearance of an almost unanimous determination to pass the internal improvement bill, substantially, as reported by the committee of ways and means—which, among its valuable provisions, contains one authorising the treasurer to subscribe on behalf of the state to the capital stock of the Baltimore and Ohio rail road company the sum of three millions of dollars, and another provision as one of the conditions for subscribing a like amount to the capital stock of the Chesapeake and Ohio canal company—"that the rail road company shall be released from the stipulation not to proceed with the construction of its rail road in the valley of the Potomac river above Harper's Ferry, until after the canal company has finished its canal to Cumberland." Other useful and necessary provisions are also contained in this important bill, to release the rail road company from stipulations which prevented the use of steam engines along the Potomac between the Point of Rocks and Harper's Ferry, without incurring a heavy expense—for which is substituted a provision that will be equally beneficial to the canal company, and cause no inconvenience and only a small expense to the rail road company.

The *Pittsburgh Times*, advertizing to the improvement bill, well and truly observes—"Pennsylvania will still go on—and before seven years will be the first, and continue forever the first state in the union if we be faithful to ourselves. Nature has made us the key and head of the arch; and nothing but folly can make us second to any state."

The bill for improving the navigation of the Wabash river, heretofore vetoed by the president, again passed the senate on Thursday—Mr. Robinson, of Illinois, expressing a hope that "the president's eyes might be opened, and that he might see that he had been in the wrong."

[*Alex. Gazette.*]

Incendiary attempts of the boldest character are still made in Boston. The common council have, by vote, placed \$10,000 at the disposal of the mayor to be expended for the discovery, arrest and conviction of the miscreants.

A master tailor of New York, in one year, paid one journeyman \$1,498 for work—another master avers that, in forty-five weeks he paid one journeyman \$1,945.

Eighteen new steamboats have been built at Pittsburgh during the past winter. We learn, also, that the same spirit in boat building has prevailed at Wheeling during the same period.

On the subject of distributing the proceeds of the sales of the public lands, among the states, the *New York American* says—

Is it not best for the general good—for the prosperity of the states—the harmony and purity of congress, disturbed and tempted by multitudes of projects to absorb the excess in the treasury—and for the safety of the vast treasure itself—which once paid into the vaults of the western and south western deposit banks may be as difficult to evoke, as "spirits from the vasty deep," though our *glendower* should call never so loudly—would it not on all these accounts be best, that Mr. Clay's land bill should pass? We speak not now to mere politicians, but to men of common sense, and right and honest intentions. To New Yorkers in particular, is it not most desirable, when their treasury is bankrupt, and taxation inevitable if good faith is to be preserved, that a bill which would give them in hand, of arrears, one million and a half of dollars, and furnish them during its term as a law with half a million per annum should pass?

Nor is it needful in order to accomplish this result, that any proper and specific appropriations for defence, should be neglected. We certainly hope and desire that an increase may be provided for in the rank and file of the army—and that the engineer corps be augmented; that large appropriations be made for the navy, so as to add to our squadrons on all foreign stations, and to keep one of considerable force always afloat and in activity on the home station, and also for the construction of steam vessels of war; and finally, that as much money be voted for the fortifications built and building, as can be spent with advantage and without extravagance. Thus much we owe to our own respectability, to the past, and to the future. But when all this is provided for—such is the impulse of all business, that the accumulations in the treasury will far outrun our wants, and it is therefore most desirable that one prolific source of supply, that from the public lands, should be diverted to the states.

And the "Berks and Schuylkill Journal" observes—

The report of the committee of the United States senate on public lands, on the bill to appropriate the proceeds of the public lands among the states, is one of the greatest importance before the nation; now that the question of war or peace may be considered as settled and the chartering of the U. States bank, has relieved the public mind from the apprehensions of pecuniary embarrassment likely to be produced by the withdrawal of its extensive capital from circulation. The report presents a plain, dispassionate and statesmanlike view of the subject in which the various projects for the disposition of the surplus revenue, arising from the sale of the public lands, are very judiciously examined and decided upon. It will be seen that the amount of such surplus revenue, at this time, exceeds twenty millions of dollars, and that of this sum if divided among the states to whom it belongs, the share of Pennsylvania would amount to more than two millions. The anticipated revenue from the same source is computed at \$10,000,000 per annum, of which the proportion of our state would exceed one million annually. What a fund of public prosperity is implied in the possession of such a revenue. What bounds could be assigned to our internal improvements? Applied to the creation of a sinking fund, how soon would it pay off the state debt? Employed as a means of disseminating education, what corner of the commonwealth is so remote, what valley so dark as to be inaccessible to the lights of instruction which it would be capable of diffusing? Is there partizanship enough in Pennsylvania to reject this benefit, because the measure originates with Henry Clay? Will our members in congress dare to vote against a measure which will enrich their constituents, and infringe in no degree upon any right, and will they be applauded for their course, and be sent back again to guard the people's pockets against the reception of their own treasures? We shall see.

#### APPOINTMENTS BY THE PRESIDENT,

By and with the advice and consent of the senate.

Roger B. Taney, to be chief justice of the United States.

Phillip P. Barbour, to be an associate judge of the U. States.

Amos Kendall, to be postmaster general of the United States.\*

\*The preceding appointments were made on Tuesday and Wednesday. The injunction of secrecy being taken off, the following particulars published have some interest.

Mr. Taney was nominated on the 28th December last, and ratified on the 15th March, as follows—

The question being put, "Will the senate advise and consent to the appointment of R. B. Taney as chief justice of the supreme court of the United States," it was decided as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Cuthbert, Davis, Ewing, of Illinois, Grundy, Hendricks, Hill, Hubbard, King, of Ala. King, of Ga. Linn, McKean, Moore, Morris, Nicholas, Niles, Prentiss, Rives, Robinson, Ruggles, Shepley, Swift, Tallmadge, Tipton, Walker, Wall, Wright—29.

NAYS—Messrs. Black, Calhoun, Clay, Crittenden, Ewing, of Ohio, Leigh, Mangum, Naudain, Porter, Preston, Robbins, Southard, Tomlinson, Webster, White—15.

The senate then proceeded to consider the nomination of Phillip P. Barbour.

Mr. Webster offered the following amendment:

Resolved, That it is inexpedient to act upon the nomination of P. P. Barbour as a justice of the supreme court, until it shall be ascertained whether the number of judges of the said court shall be altered by any law of the present session of congress.

The question being put, was decided as follows—yeas 16, nays 26.

The question then being, "Will the senate advise and consent to the appointment of P. P. Barbour as a justice of the supreme court of the United States?" it was decided as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Crittenden, Cuthbert, Ewing, of Illinois, Grundy, Hendricks, Hill, Hubbard, King, of Alabama, King, of Georgia, Leigh, Linn, McKean, Morris, Nicholas, Niles, Preston, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Tomlinson, Walker, Wall, White, Wright—30.

Andrew Stevenson, of Virginia, to be minister to G. Britain.

John H. Eaton, to be minister to Spain.

Arthur Middleton, to be secretary of legation to Spain.

Richard K. Call, to be governor of Florida, vice J. H. Eaton.

Thomas Holden Stevens, to be a captain in the navy from the 27th January, 1836.

Samuel L. Brees and Benjamin Bage, jr. to be masters commandant in the navy from the 22d Dec. 1835.

Mifflin Coulter, to be a surgeon in the navy from the 22d December, 1835.

Alexander J. Wedderburn, to be an assistant surgeon in the navy from the 22d December, 1835.

ILLINOIS AND MICHIGAN CANAL.—The construction of this canal, which is to commence at Chicago and strike the Illinois river near the mouth of the little Vermilion river, is to be undertaken immediately.

The natural obstacles to this work are so slight, that even now, when the streams are full, the head waters of the La Plata river, which runs into the Illinois, almost touch on a level those of the Chicago river, running into Lake Michigan.

The state of Illinois has by law authorised the issue of a six per cent. stock, redeemable after 1860, to the amount of half a million of dollars, in order to aid this work. It will, when completed, make an unbroken inland water communication from New York to New Orleans.

A WHOLE FAMILY FOUND FROZEN TO DEATH. The Haverstraw Times, gives the appalling details of a most melancholy event in the vicinity of that town. On Saturday, as a person had made his way into the mountains, which have been inaccessible until the late moderate weather, he found, after passing the Orange county line, a man in a sitting posture near the cabin. On approaching him, it was discovered that he was frozen to death, with a wooden shovel in his hands with which he had evidently been laboring to open a passage from his snow bound habitation. The traveller then entered the cabin and found on the floor the frozen body of a middle aged woman and two children. The neighbors were then raised—the nearest living at the distance of a mile and a half—and upon examining the house, it was found that every particle of food and fuel had been exhausted, and the whole family, without doubt, had fallen victims to the combined horrors of cold and hunger. The father probably endeavoring to make his way to a pile of wood at a little distance, and had perished in the very midst of the attempt.

The "Times" describes the sufferings of the poor people in the mountains, now first revealed by the giving way of the snow, as being of the most intense description. [N. Y. Courier.

THE TAMPIO EXPEDITION.—We learn from the New Orleans Bee of the 27th ultimo, that the United States district attorney for that district, has been ordered (it is not stated by whom) to institute a criminal process against Mr. William Christy, as having been engaged in transporting volunteers to Texas. The motive of this prosecution is supposed to be the serious charge brought against Mr. Christy, in the several letters that have been published, written by the unfortunate men who were shot at Tampico, to their relatives in various parts of the U.

NAYS—Messrs. Black, Davis, Ewing, of Ohio, Mangum, Naudain, Porter, Prentiss, Robbins, Southard, Swift, Webster—11.

The nomination of Amos Kendall was then taken up for consideration when

Mr. Crittenden moved that the senate now adjourn, and the question being taken, the yeas were 15, nays 25.

The question being, "Will the senate advise and consent to the appointment of Amos Kendall to be postmaster general?" it was decided (the yeas and nays being demanded by Mr. White), as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing, of Illinois, Grundy, Hendricks, Hill, Hubbard, King, of Alabama, King, of Georgia, Linn, McKean, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, Wall, Wright—25.

NAYS—Messrs. Black, Ewing, of Ohio, Leigh, Naudain, Preston, Southard, White—7.

On the last ballot only 32 senators were present.

States. As an act of justice to Mr. Christy, we subjoin the conclusion of the article in the Bee:

"We are assured the more minute the investigation, the less reason will there be to suspect him of any unworthy part; and the more will his honorable conduct be properly appreciated by his fellow citizens. It can be demonstrated—nay, it has been—that he had no connection whatever with the expedition under gen. Mejia to Tampico.

But it is hoped that this suspicion and unfounded accusation will teach a lesson of policy and forbearance to him and all other generous and spirited citizens, as regards the present struggle of the Texians. These are now so divided among themselves, that the provisional government has displaced general Samuel Houston and col. James Bowie from their commands in the Texian army. Dangers will wait on such dissensions, and it is much preferable that our citizens should be just toward Mexico while being generous toward Texas, rather than really or ostensibly violate the national faith, and endanger the commerce of New Orleans."

**NEW HAMPSHIRE.**—The general election in the state of New Hampshire took place on Friday last. *Isaac Hill* (now a senator of the United States) is elected governor of the state, without any regular opposition.

**RHODE ISLAND.** The whig convention, which sat in Providence in January last, appointed a committee to select candidates for state officers, and that committee have just reported the following ticket, viz: For governor, *Tristram Burges*; lieutenant governor, *John H. Cross*; with nine highly respectable gentlemen for the senate.

**NEW YORK, March 12.** We have long been apprehensive that some accident would happen from the neglect of the corporation to order the burnt walls to be taken down. Yesterday afternoon three persons were killed, and two severely wounded, by the falling of the wall of the store belonging to Mr. Peter Lorillard, in Water, near Wall street.

Mr. Fox, his Britannic majesty's minister plenipotentiary and envoy extraordinary to the United States, arrived at the seat of government on Sunday evening last, in the rail road line from Baltimore,

**MEXICO.** Among the passengers in the *Montezuma* at New York from Vera Cruz, is commodore *Lopez*, the head of the Mexican navy. A letter from the American consul at Vera Cruz, says—"The object of his visit, it is said, is one of public duty, appertaining to his station; and may we hope that he will meet at the hands of our countrymen those civilities and attentions which his virtues and merits as a gentleman entitle him to receive."

The measures adopted by the government of Mexico, indicate a determination on its part to put down the revolutionary movements in Texas. From the statements put forth in the *Luz*, an opposition paper, published in the city of Mexico, of the strength of Santa Anna's expedition, it appears, that he left San Luis with 3,500 infantry, 400 cavalry, and 12 light pieces of artillery, which, added to the 1,600 men of which Sesma's division is composed, make in all 5,500 men. An army of reserve has begun to assemble at San Luis Potosi and Metamoros, to be composed it is stated of a similar force.

**LITTLE ROCK, (ARK.) FEB. 19.** We are informed that the inhabitants of that portion of this territory south of Red River have, in fact, separated from the government of Arkansas and of the United States, and are taking measures to incorporate themselves with Texas. Judge Ellis, James Clark, esq. and Mr. Carson, late of North Carolina, are among the delegates to the Texian convention. We are sorry for it—for we look upon it as a most rash and unadvised step. Texas is at present in a state of anarchy. She cannot be aided by the United States, unless in violation of solemn treaties. If she become independent, she must either be attached to the United States, or become one of those little petty independencies, without either means, national standing,

dignity or power; never any thing more than nests of pirates. If her citizens have any hopes of ultimate prosperity and happiness, those hopes are founded solely on the prospect of hereafter becoming a part of these U. States. The republic of Texas, by itself, would be nothing among nations. Why then leave our great republic, and become a part of that which is no government, and where their only hopes will rest on again obtaining what they are now throwing away? [*Advocate.*]

**THE PUBLIC LANDS.** The resolutions instructing the senators from Pennsylvania to vote for Mr. Clay's land bill have passed a third reading in the senate of that state by a vote of 25 to 7. If the legislature of Pennsylvania had any right to instruct, they could not be better employed.

**A GOOD BANK.** *Westchester, Penn. March 8, 1836.* Five hundred shares of stock in the bank of Chester county, sold yesterday, in this borough, at public auction, at an average price of \$80 12½ per share. The price of this stock to original holders, is thirty dollars. Let those merchants and others who are complaining of money being scarce in Philadelphia and N. York, come to West Chester. [*Register.*]

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**AFFAIRS IN FLORIDA, VARIOUS &c.**  
*Charleston, March 8—4½ P. M.*

FROM FLORIDA.

*Battle with the Indians.*

The schooner *S. S. Mills*, capt. Southwick, arrived here yesterday morning from St. Augustine, furnishing us with the *Herald* of the 2d inst.

It will be seen that gen. *Gaines* had encountered the Indians in considerable force near the Wythlacochee.

The particulars of the engagement, is given in the following letters from our correspondent, dated

*St. Augustine, March 5.*

DEAR SIR: I have purposely refrained from transmitting you any account of the Seminole campaign, as the various contradictory statements in regard to the movements of the enemy until within a few days since, did not deserve notice, and were too brainless to be credited. The simple fact, however, that St. Augustine, Jacksonville, Picolata, Camp King, Tampa and Key West, have been for such a length of time kept in a constant state of alarm, and each moment dreading an attack, is evidence of talent never before displayed by Indians—conduct they always did exhibit—but that a body of fifteen hundred or two thousand men, should make such demonstrations, and such dispositions of their forces, is like the massacre of major Dade—unparalleled. We knew that they must be concentrating on some point, and so the result has proved. You are aware that gen. *Gaines* approached within four or five miles of Fort Drane—took eight days provisions, and returned to the Wythlacochee, for the purpose of discovering whether any Indians were on the prowl. On arriving at the stream his passage was disputed by a body of savages, amounting it is surmised to fifteen hundred—a fight commenced across the river, which, although narrow, is deep and rapid—and continued two days, neither party gaining any material advantage. The third day gen. *Gaines* retired, and threw up a breast work—after which he advanced to the river with two hundred men, recommenced the skirmish, and then retreated with a hope of deceiving his enemy, and decoying them into an ambush. After dark on the same day, the entire body of Indians, now largely reinforced by the arrival of scattering squads, crossed the river and had the bravery to attack him in his trenches. The stratagem was thus successful—the cannon opened upon them, and played with such effect, that it is presumed three hundred Indians and negroes were killed. I say presumed, as it is not known whether that number was destroyed in the single engagement, or in the entire rencontre. When the cannon opened, the savages began a "terrible howling," and no wonder, for I am told that all the trace chains belonging to the wagons were used instead of balls, and literally mowed them down like grass beneath the scythe. Two of our officers were wounded in that engagement—one of whom, it is understood, has since died. *Gaines* has since sent in to Clinch for provisions; but afterwards countermanded the order, as the Indians would capture the wagons. He is understood to be surrounded. His provisions must be gone—and unless a reinforcement has been sent by Scott, his fate, and that of his gallant army, are sealed.

I was in camp—between this and Hanson's—when Prince, the express, came in; the Indians having attacked him in true military style, within eleven miles of this, and ordered him to the "right about," with a shower of fifteen or twenty bullets. The top of his cap was literally shot away, and several balls passed through his coat. A detachment from lieut. colonel Hewitt's battalion was on this morning ordered out to skin the country, and cut up the varlets "like a gourd."

*St. Augustine, March 5, 10 o'clock—night.*

DEAR SIR: The express, Munroe, came in to-day from Picolata, with despatches; but nothing further is heard from general

Gaines. One hundred and forty men from the country adjacent to the Wythlacochee had gone to join him—and cattle, to what amount I do not know, had been driven down at the same time.

The officer supposed to be dead, or mortally wounded, is Lieut. Izard.

I was wrong in saying that Gaines had approached Fort Drane—it was Camp King.

Forty horsemen left here about dark to scour a place called Turnbull's swamp; and also to assist the detachment from Hewitt's battalion.

The troops from Darien have returned home.

*From the National Intelligencer.*

The news from Florida, received yesterday, is, we are sorry to say, any thing but agreeable.

There is said to be a want of good understanding, which was but too justly apprehended, between the two general officers, major gen. Scott, who was ordered to take command of that military ground, and maj. gen. Gaines, who repaired thither, by way of Tampa Bay, from New Orleans, on learning the state of things in Florida. The old question concerning the relative rank of these distinguished officers seems to have unfortunately led to practical results, already unfortunate, and which may in the end be disastrous. We know nothing of the merits of this question, nor do we mean to censure any one for what has taken place. The collision of the authority of these officers has been accidental. We trust that there may be in the end no reason to deplore it. Our business at present is only with facts, as we understand them.

Letters have been received in this city from authentic sources in Florida, which states that general Gaines had not, on his reaching the military stations at which he aimed on marching from Tampa Bay, joined general Scott, but, with the troops under his command, had marched in a different direction, in pursuit of the Indian force. On the 23th of February, in reconnoitering on the Wythlacochee, about two miles west of gen. Clinch's battle-ground, he was fired upon by the Indians, who met him in considerable force; and the conflict which then took place resulted in the death of two of the Louisiana volunteers, and ten regulars and volunteers wounded. On the next day, (the 29th), while preparing a small work to command the ford across the river, he was attacked at 10 o'clock A. M. on three sides of his camp. The attack lasted two hours. The Indians were repulsed eventually with considerable loss, there being of the United States troops one sergeant killed, and one officer and ten regulars wounded, and of the volunteers one officer and twenty privates wounded. The Indian force was supposed by general Gaines to amount to 1,500, his own command numbering more than a thousand.

It was understood that gen. Gaines would not move from the position in which he had entrenched himself, until he heard from gen. Clinch, to whom he had written, requesting supplies and mounted force.

In connexion with the above information, it is proper to state that major general Macomb, commander-in-chief of the army, left this city on Sunday for the seat of war in Florida with authority, as is understood, to take command himself, should he think it necessary, but not to supersede gen. Scott in the special command assigned to him by his orders, unless he (general Macomb) be of opinion that circumstances require him to do so.

The following is the only letter of confirmation received since our publication of Tuesday. The *Washington Globe* of yesterday says:

By the official reports received at the adjutant general's office yesterday, from major gen. Scott, we learn that the force which marched from Tampa Bay, under major general Gaines, while reconnoitering on the Wythlacochee, near general Clinch's battle ground, was met by a considerable number of hostile Indians, on the 23th of February, and a slight skirmish took place, which resulted in the loss of two Louisiana volunteers killed, and ten regulars and volunteers wounded. Lieut. Izard of the United States dragons, was among the wounded.

Whilst making preparations to cross the Wythlacochee, on the 29th February, a spirited attack was made on general Gaines' camp by the Indians, who were repulsed with very considerable loss. The general states that the officers concur with him in opinion that the enemy's force amounted to not less than 1,500. Of gen. Gaines' command (supposed to consist of ten or eleven hundred men) there was, on the 29th, one sergeant of the regular army killed, and one officer (lieutenant Duncan 2d artillery), and ten privates wounded. Of the volunteers, there were one officer, and twenty privates wounded.

Extract of a letter received in Charleston, from an officer in the U. S. army, dated

*Fort Drane March 1.*

"Circumstances which I could not control prevented my arriving here until the evening of the 25th ult. when I learned that gen. Clinch had the morning before left Fort King to see gen. Gaines. The next day gen. Clinch returned here, informing us that gen. Gaines with 1,000 men, about one half regulars, the rest volunteers from Louisiana, had moved from Fort King, about 8 that morning (26th) with the design of returning to Tampa Bay, via Wythlacochee. Upon reaching that river, near an old crossing, while gen. Gaines and gen. Smith were reconnoitering the river in person, they were fired upon by the Indians, who were strung along the banks for two miles; a fight

ensued across the waters. Gen. G. had two killed and several wounded, Lieut. Izard badly, capt. Sanders, late sutler, and capt. Armstrong of U. S. schooner Mott; we heard the cannon here for two days. Yesterday morning, an express arrived from gen. G. to gen. C. requesting more men, provisions, ammunition, &c. we still continue to hear firing, and this morning another express arrived, stating that gen. G. had entrenched himself while he was preparing boats, bridges, &c. gen. Gaines writes himself, that yesterday morning, (29th) at 10 o'clock, the Indians force, believed to be 1,500 strong attacked two sides of his encampment and approached so near by his lines, as to wound men upon the opposite line, a distance of 200 yards. The attack lasted two hours, when the enemy were repulsed. Lieut. Duncan is among the wounded, 10 in number and 1 or 2 killed in the last attack.

Gen. Clinch has only about 450 men around him, 200 of these volunteers. Col. Bankhead we learn is on the march here from Picolata with some 400 volunteers. Gen. Eustis is east of the St. Johns, and gen. Scott at the last accounts was at Picolata, I think however he will be here before many hours. No supplies of any kind have reached this post yet, but we are in hopes they will soon, as there is much anxiety, as well as much necessity, to move down to the aid of gen. Gaines. The wagons were all sent down to Picolata on the 28th for provisions, some one or two small carts. They were despatched before day this morning with ammunition and a few stores and 25 head of beef cattle to gen. Gaines, but upon receiving the express this day at 12, a message was sent after to order them back, as the Indians would assuredly get them. Gen. Gaines when he left Fort King had but 10 days rations, and those gen. Clinch took up from this place, leaving but little here. The weather is becoming very warm.

*From the Savannah Georgian, 9th instant.*

We are indebted to a friend for the following copy of a letter from an officer of the army at Fort Drane, to a brother officer at Picolata, received here by the Santee on Monday.

*Fort Drane, Florida, March 1, 1836.*

"Gen. Gaines left Fort King on the morning of the 25th ult. On the 27th, he reached the Wythlacochee near gen. Clinch's battle ground. Whilst reconnoitering the river he was fired on from the opposite bank. One man was killed and some five wounded. On the 28th the battle continued across the river—one killed and several (say 7 or 8) wounded—among them lieutenant Izard, of the dragons. On yesterday the Indians attacked them in their encampment about 10 o'clock, A. M. The battle lasted two hours. One sergeant killed—wounded, one officer, (lieut. Duncan), and 10 men, regulars. Of the volunteers, 1 officer and 10 men wounded. He wants reinforcements, provisions and ammunition.

"It is indeed harrowing to the feelings to think that we are within 35 miles (by the road) and cannot join for want of supplies and means of transporting them."

In addition to the above, we learn that eight guns were discharged at the Santee, while coming down the St. Johns, and about 25 miles above Picolata, by a party of Indians, four of whom were distinctly seen. One of the balls perforated one side of the cabin and lodged in the opposite side, without injury to any one.

*General Gaines' command.*

The following extract of a letter from an officer of the U. S. army, written on the 12th ult. from Tampa Bay, exhibits the force under gen. Gaines.

Our command amounts to, say about 1,100, and 120 friendly Indians, consisting of 4 companies of U. S. artillery, 7 companies of the 4th regiment U. S. infantry, a detachment of U. S. marines, and the regiment of Louisiana volunteers, major gen. Gaines, commanding, col. Twiggs commanding brigade, col. Foster, 4th regiment infantry, col. S. F. Smith, Louisiana volunteers, major Belton, the artillery, lieutenant Waldron, the marines, and Holate Emartia, chief of the friendly Indians.

[*Ibid.*]

*Fort King, Florida, Feb. 22, 1836.*

GENERAL: Agreeably to your directions, I observed the battle ground six or seven miles north of the Wythlacochee river, where major Dade and his command were destroyed by the Seminole Indians on the 28th of December last, and have the honor to submit the following report.

The force under your command which arrived at this post to-day from Tampa Bay, encamped on the night of the 19th inst. on the ground occupied by major Dade on the night of the 17th of December. He and his party were destroyed on the 28th of December, about four miles in advance of that position. He was advancing towards this post, and was attacked from the north, so that on the 20th inst. we came upon the rear of his battle ground about 9 o'clock in the morning. Our advanced guard had passed the ground without halting, when the general and his staff came upon one of the most appalling scenes that can be imagined. We first saw some broken up and scattered boxes; then a cart, the two oxen of which were lying dead; as if they had fallen asleep, their yokes still on them; a little to the right, one or two horses were seen. We then came to a small enclosure, made by felling trees in such a manner as to form a triangular breastwork for defence. Within the triangle, along the north and west faces of it were about thirty bodies mere skeletons, although much of the clothing was left upon them. These were lying, almost every one of them, in precise-

ly the position they must have occupied during the fight—their heads next to the logs over which they had delivered their fire, and their bodies stretched with striking regularity parallel to each other. They had evidently been shot dead at their posts, and the Indians had not disturbed them, except by taking the scalps of most of them. Passing this little breastwork we found other bodies along the road, and by the side of the road, generally behind trees which had been resorted to for covers from the enemy's fire. Advancing about two hundred yards further, we found a cluster of bodies in the middle of the road. These were evidently the advanced guard, in the rear of which was the body of major Dade, and to the right, that of captain Fraser.

These were all doubtless shot down on the first fire of the Indians, except, perhaps, captain Fraser, who must, however, have fallen very early in the fight. Those in the road and by the trees, fell during the first attack. It was during a cessation of the fire that the little band still remaining, about thirty in number, threw up the triangular breastwork, which, from the haste with which it was constructed, was necessarily defective, and could not protect the men in the second attack.

We had with us many of the personal friends of the officers of major Dade's command, and it is gratifying to be able to state that every officer was identified by undoubted evidence. They were buried, and the cannon, a six-pounder, that the Indians had thrown into a swamp, was recovered and placed vertically at the head of the grave, where it is to be hoped it will long remain. The bodies of the non-commissioned officers and privates were buried in two graves, and it was found that every man was accounted for. The command was composed of eight officers and one hundred and two non-commissioned officers and privates. The bodies of eight officers and ninety-eight men were interred, four men having escaped; three of whom reached Tampa Bay; the fourth was killed the day after the battle.

It may be proper to observe, that the attack was not made from a hammock, but in a thinly wooded country; the Indians being concealed by palmetto and grass, which has since been burned.

The two companies were captain Fraser's of the 3d artillery, and captain Gardiner's, of the 2d artillery. The officers were major Dade, of the 4th infantry, captains Fraser and Gardiner, second lieutenant Basinger, brevet second lieutenant R. Henderson, Mudge and Keais, of the artillery, and doctor J. S. Gatlin. I have the honor to be, with the highest respect, your obedient servant,

(Signed) E. A. HITCHCOCK,  
captain 1st infantry, act. insp'r general.  
Maj. gen. Edmund P. Gaines, com. western department,  
Fort King, Florida.

Extract of a letter from a young officer of the army to his correspondent in Washington, dated Fort Drane, Lang Syne, Florida, February 24, 1836.

"My last letter to you was dated from Tampa Bay, and I am now at gen. Clinch's plantation. We left Tampa on the 13th inst. and have marched across the country to this post without having the pleasure to meet a single hostile Indian. When we left the bay, general Gaines did not contemplate proceeding as far as Fort King; but, on our arrival at the battle-ground where poor Dade's command was butchered, our provisions were scarce, and we were forced to continue on, for the purpose of procuring supplies. Upon arriving at Fort King, however, we found the garrison there unable to furnish us with more than one day's rations, and were therefore forced to come here, a distance of twenty-four miles, to get something to eat. The artillery and volunteers were left at Fort King, and the 4th infantry was sent to procure provisions. We return this morning, and shall probably start the day after to-morrow for some of the Indian villages, with the view of hunting the boys up. On our arriving at the battle-ground, we found the bodies of the dead lying generally as they were shot. We had the melancholy pleasure of burying them. I counted the skulls as they were thrown in, and there were 98 soldiers and 8 officers. The officers were recognised by different signs and marks about them. They were fully identified. Three graves were dug, and the bodies interred therein. We of the regulars marched around the graves to the dead march, and then they were covered over. Poor fellows! There was not one among us who did not resolve to revenge them; and only give us a chance, and we will fulfil our determination. We saw signs of Indians on our route, but they themselves kept out of the way. We shot some cattle and hogs, and caught some horses as we came along. We also burnt some small deserted villages. In one of these we found corn, rice, and beans enough for one day, which was of material assistance to us."

[OFFICIAL.]  
Head quarters, 2d reg't mounted volunteers,  
Near Fort Drane, Jan. 13th, 1836.

SIR: In obedience to your order of the 10th inst. I proceeded to scour the country in the neighborhood of Stafford's. Finding but few tracks going in the direction of the nation, I concluded that the Indians seen at Stafford's, a few days before, were in our rear. On our return march yesterday about 4 o'clock, and when near the house of Mr. Curry, a large smoke was seen rising in the direction of Wetumkee. We were on the march at half speed to ascertain the cause, when the advance guard, under lieutenant Bannerman, and captain Bellamy's company,

which was also ordered in advance, were fired upon by a party of Indians. The battalion, at increased speed, was hurrying to their support, and was within a half mile of them, when the Indians opened a severe fire on our rear and each flank at the same time. The battalion was immediately dismounted, and charged the enemy, which fled, firing as they did so, to a hammock. Not knowing the strength of the party against which captain Bellamy and lieutenant Bannerman were contending, who were still firing at the distance of a mile or less from us, I deemed it prudent not to enter the hammock until I could ascertain that fact; and with that view, despatched my adjutant; but before he reached the point where the attack was made, capt. B. and lieut. B. (who behaved very gallantly) had routed the enemy, and the firing had ceased. In a short time they united with us; but it was then too late to enter the hammock, the sun being only fifteen minutes high. We therefore took our position in rifle shot of the hammock, and returned a brisk fire, which was kept up by the Indians until dark, when we returned to the top of the hill, and rested upon our arms until daylight.

During the night they left the hammock, and, I suppose, from the direction of the trail which we followed some distance this morning, they had returned to the nation.

Captain Alston, commanding the left company when the attack was made, supported himself and sustained the attack in a gallant manner, until he was joined by captain Caswell's company, when the charge was made. Capt. Caswell was firm and brave; major Sam'l Reid conducted himself throughout the action in the most gallant manner, always at his post. Adjutant Shehee is entitled to the highest commendation for the cool and gallant manner in which he discharged his duties; and Dr. Mitchell was cool and attentive to his duty.

I feel it due to the greatest portion of my command to say, they acquitted themselves to my entire satisfaction.

The following is the return of the wounded:  
Lieut. Smith, of captain B's company, slightly wounded;  
—Davis, a private, severely wounded; —McRany, of captain C's company, slightly wounded.

The loss of the enemy was (as reported to me) as far as ascertained, six; their wounded must have been considerable.

I have the honor to be, very respectfully, your ob't serv't.  
H. C. PARISH,  
col. com. 2d reg't mounted volunteers,  
Gen. D. L. Clinch, commanding.

Pensacola, Feb. 20.

We learn that a court of inquiry ordered by gen. Clinch, at the instance of col. Parish at Fort King, have unanimously acquitted col. P. of all improper conduct in the unhappy occurrence which caused the death of lieut. Ward. We have examined the proceedings and testimony of the court, and are satisfied that the shooting of lieutenant Ward was a melancholy, painful necessity, imposed on col. P. not only by the rules of military discipline, but by a still higher principle—the principle of self-preservation. He ordered lieutenant Ward to be arrested. Lieut. W. resisted the order—used offensive language to col. Parish, and armed with three pistols, one of them cocked and presented, stood out in open defiance, and declared that he would shoot down the first man who attempted to execute the order. Much of the testimony goes to show that lieut. W. was in the act of presenting his pistol at col. Parish when the latter shot him. We are informed that much excitement against col. Parish exists about Tallahassee, but there can be no doubt that, so soon as the facts are made known, the excitement will give way to unqualified approbation of his conduct. In the bereavement which the family of Mr. Ward has suffered, all must sympathize, and none, we feel assured, from a knowledge of col. Parish, will sympathize with them more deeply than he. The deceased was a brother of Geo. Ward, esq. of Tallahassee. The following is the finding of the court of inquiry:

"The court having patiently and carefully examined all the witnesses who were named to them, and investigated fully the causes which led to the death of lieut. William Ward, of the volunteers, proceed, in obedience to the order instituting the court, to give its opinion thereon.

"The court is of the unanimous opinion that lieut. William Ward was killed by R. C. Parish; the said col. Parish being in the legal execution of his office; and that he is fully justified, from the circumstances of the case, in doing so.

"It would be impossible to conceive a case which would more entirely justify an officer in command in taking the law into his own hands. His legal and necessary authority as commanding officer was defied and resisted; he took the usual and legal military means to repress resistance by ordering the arrest and confinement of lieut. Ward, his seizure and disarming repeatedly; no one would obey his order. He was obliged, therefore, to execute the order himself, and in doing so his conduct is fully justified in the opinion of the court.

"C. M. THURSTON, capt. 3d artillery, president.  
"Horace Brooks, brevet 2d lieut. and recorder."

ORDERS—NO. 1.

Head quarters, army of Florida, Picolata, Feb. 22, 1836.  
Major general Scott, having arrived in Florida, assumes the general direction of the war against the hostile Seminole Indians.

The staff officers attached to general head quarters, at present are capt. Canfield, (topographical engineer); lieut. Chambers, (chief of the commissariat); and lieut's Van Buren, Tem-

ple, and Johnston, aids-de-camp. All orders and instructions, conveyed by either of them in the name of the major general, and whether orally or in writing, will be duly obeyed.

The right and left wings of the army, or the troops on the west and east side of the St. Johns river, will be continued under the respective orders of brigadier generals Clinch and Eustis, and the forces which are to operate from Tampa bay under col. Lindsay, will, when they come into line, constitute the centre. The wings will soon be greatly reinforced by the arrival of both regulars and volunteers.

The three immediate commanders of the right, left and centre of the army, respectively, will generally receive orders direct from general head-quarters; but, of course, every junior will obey every senior according to the rules and articles of war, and the usages of the service, whether the parties belong to the militia, or to the militia and regular army.

As, for the first time, patriotic volunteers from South Carolina, Georgia, Alabama, Louisiana and Florida, are to come into the same line, with a portion of the regular army, it is confidently hoped that a beneficial emulation, without unkindness or prejudice, may animate the different forces. All are equally Americans, actuated by the like determination, to subdue a treacherous and a common foe.

But valor and patriotism alone are not sufficient for that end. Some tactical instruction and an exact obedience to commands are also necessary. Instruction can only be required by opportunity and labor. A firm resolution to obey, accomplishes the other great requisite at once. Let the resolution, then, be promptly taken by all who have nobly turned out to avenge their butchered countrymen.

But again;—to parade, to march, to mount guard and to fight, are not the only duties of war. To handle and preserve the supplies of the army, and to construct camp and other field defences, are equally required of every good soldier. A corps of servants for these purposes, would be too large and cumbersome. It would double the army and render one half too mean, and the other half too delicate, for the glory of a well contested field. Fatigue parties, must, therefore, when wanted, be furnished by all the corps in their turn, and proportionally.

*St. Augustine, March 6.*

Captain Elmore's company of S. C. volunteers and lieutenant Irving's company of U. S. artillery, accompanied by captain Canfield, U. S. T. E. lieutenant Brumby, sailed on the 27th February, in the steamboat Santee, to establish a depot at Volusia. On the return of the steamboat she was fired upon by a party of six Indians about five miles above Pylatka. One of the balls lodging in the captain's berth. The fire was returned by those on board, but without effect. This no doubt is the same party who took the two negroes prisoners, on Saturday last, as it was but a few miles from their encampment, and only two days afterwards.

General Bull, of the S. C. militia, arrived in town on Sunday last, and immediately assumed the command of his brigade.

We regret to learn that the measles had broken out in captain Parker's company of S. C. volunteers, stationed at St. Joseph's. Twenty-six cases had occurred; but we are happy to state that they are all convalescent.

The steamboat Dolphin, capt. Pennoyer, with two companies of U. S. troops under the command of major Kirby, sailed on Tuesday last to take post at Williams' plantation, on the Halifax river, for the purpose of establishing a depot there.

We are informed that seventy wagons are waiting at Picolata, to convey provisions to gen. Clinch, whose supply had been much diminished by the quantity taken by gen. Gaines, from Fort Drane.

A mounted regiment of S. C. militia, may be expected to arrive here in all this week.

The *Herald* states that some wrong impressions had obtained currency respecting the discharge of the Florida militia. General Eustis has authorized the editor to say that his order did not contemplate the delivery of a single musket. He also desires the public to be assured that it was in a spirit of kindness and respect that his communication was made to general Hernandez.

An express had arrived at St. Augustine, from McRae's, who states that he saw a large number of Indian tracks near Goleconda mill. Gen. Eustis immediately ordered a detachment of troops to scout the country in that direction, a party of whom went by water, and a part by land.

*Charleston Courier office, March 7, 4 P. M.*

The following is an extract of a letter, written by one of the officers of col. Brisbane's regiment, forwarded to St. Augustine by express. It is dated 29th February.

"We have just arrived at a point about 50 miles south of St. Augustine. We are among the Indians, at least some portions of them. Our scouts yesterday discovered a small hunting party, but the great distance prevented us from effectually intercepting their retreat. The severity of the campaign has already been experienced. Last night was unpleasant enough, and during the whole time, we had been compelled to move without our tents; and throughout the whole night, our force, consisting of four companies, were obliged to remain upon their arms, with the elements exercising their whole force upon them, and for any thing we know, the foe watching us. Our men have all behaved in the most commendable manner since we have been in sight of the enemy, and the calmness and precision they have evinced, and the correctness of their ma-

nœuvring, has won for them the most flattering esteem from col. Brisbane their commanding officer.

"We are now bivouacked at McRae's plantation. Up to this point we have seen the most numerous evidences of the savage warfare waged by our foes. Plantations totally devastated, and not a single face but that of the foe meeting the troops as they advance.

"I think myself, that it is a matter of some doubt whether we will have any thing like a general engagement with the Indians. I rather think that it will be but a detached kind of warfare, in which there will be more of fatigue than danger. My health has never been better—the fatigue and exposure agrees with me remarkably well.

*Picolata, February 22, 1836.*

The enemy, consisting of Indians and negroes, may be estimated certainly at 2,000—and, probably, a greater number, as it is believed that some of the lower Creeks have joined them. The country is very favorable for the enemy, and extremely unfavorable for us. A part of it is almost a terra incognita—other parts not to be penetrated—scarcely a road for wheel carriages, and none leading to their fastnesses. Then the difficulties of finding the enemy, and the almost insurmountable difficulties of transporting provisions and ammunition, will cause us incalculable labor and trouble. The war would soon be brought to a close, if we could encounter the enemy, but they can so easily elude us, and force us to harassing marches and counter marches, that I apprehend we shall have a protracted campaign. And again, not one of the least difficulties we have to encounter, is the insubordination and want of military knowledge, (which only can be acquired by experience), of the militia. The loss of public property, by their negligence, and propensity to waste and destroy, is enormous. It is clearly evident that the expense of maintaining an equal force of militia, with that of regulars, would be more than quadruple. This war will, in all probability, cost the government at least \$2,000,000; whereas, if we had had a larger army, the expense of conducting it to a close, would not have exceeded one-fourth of that sum, and the war would be terminated in half the time it will now take to accomplish that object by the mixed forces. Our little army is literally used up—at one period you hear of it, or part of it, on the confines of the Rocky Mountains, at another in the marshes of Florida—and a communication perhaps, directed to an officer at Portsmouth, N. H. may, if there be no obstruction to the mail, or the letter not returned to the general post office, as a dead letter, follow and reach him on the Gulf of Mexico; and the reverse, in every three or four months in the year—and this is known to the country and to congress, and still the army is not increased, and the officers thus harassed allowed to subsist on a poor miserable pittance. It is impolitic and ungenerous. There is a charm, a fascination, in a military life, particularly in the stirring time of war, that attracts to the service; and which notwithstanding the admonitions of policy, to seek some more lucrative employment—and the unfeeling parsimony of congress—we cannot resist.

We have a rumor here that gen. Gaines is at Tampa Bay, which I believe to be true. If this be so, he has not received the order from army head quarters to move upon the Arkansas river with a designated force, or he is acting in violation of orders. The command of the army of Florida has been assigned to gen. Scott, by the president of the United States, and it might be attended with unpleasant and unfortunate consequences; if he and gen. Gaines should meet, since their relative rank has not been definitely settled by government—at least the two generals are at issue on the subject.

*Letter to the editor of the Lancaster Union, dated*

*St. Augustine, February 20, 1836.*

The war will soon commence in earnest. General Scott has arrived at Picolata, and general Eustis at this port. The preparation of the troops proceeds with the utmost rapidity. The regiment of colonel Brisbane is now ready for the field, and several companies have already left here for their stations. By an express received last night, from captain Henry of the Irish volunteers, we learn that a fresh Indian trail, indicating a force of about three hundred, was come upon, twenty miles from this city. It is not at all improbable that, before this, the first blow has been struck in the campaign, and that that company has reaped the honor of a victory. The principle of the campaign is to bring such an overwhelming force into the field as to render a contest hopeless on the part of the Indians. It is expected that their retreat will be cut off at the St. John's. If it is not, their reduction will cost much blood and infinite fatigue.

Should they reach their fastnesses, the everglades, it would leave the contest doubtful. It is certain that, if they can maintain themselves for two months, nothing can be done with them till next winter; for it would be madness to attempt any thing in the summer; indeed, it would be impossible to keep any troops in the field, for the climate is fatal, and mosquitoes are almost as mortal. Our company went out on a scout around the city, about twenty miles, two days since. We had to be content with the sand and palmettos, as we did not meet a trace of the Indians, though they could not have been far off, as the trail recently discovered is not more than twenty miles from the city. It was very hard marching, deep sands, frequent ponds, with long grass, with the accompaniment of the palmetto, constituting the luxuries of

the excursion. I expect to be in the woods on the campaign in about a week. I am now waiting for the company, which it will be my fortune in part to command either as first or second officer. It will be a miserably long week, and I expect to suffer more than I have yet undergone, though I shall be able to sleep and eat, which I have not been able to do for a month past.

I heard of an act of cruelty committed by the savages recently, which has lessened my pity for them greatly. In one of their late burnings and captures of negroes, they took an old man and his wife. They wished to leave the old man to starve, and take his wife, who was much younger, with them. She refused to go without her husband; they threatened to shoot her, if she did not; true to her affection, she persisted in her determination. They then deliberately shot the old man through the head, as he was standing basking against the house. I was told this by a negro who made his escape from them, and who witnessed himself the horrid deed. He stole off in the night while they were all in a dead sleep, after a drunken debauch, the sentinel himself prostrated by the peculiar enemy of their race. If any thing of consequence occurs to the army generally, or to your friend, individually, you shall hear it.

The Tallahassee *Floridian* contains a letter dated Tallahassee, Feb. 1, from Mr. Wyatt to a friend in East Florida, expressing some important opinions relative to the probable course of the belligerent Indians. He thinks "that the Indians never intended to make a general resistance on this side of the Peninsula; that their object was, (which in all probability they have by this time accomplished), to retire to their old hiding places in the everglades, as they did in 1813, when gen. Jackson routed them from this part of Florida," and that in order to effect this, they commenced by murdering and pillaging the frontier citizens, on the whole Alachua settlement, and gathering and driving off large stocks of horses, cattle and hogs, to the other side of the Wythlacochee, before a competent force could be put in the field against them; intending to retreat with their families, stock, &c. to the cape and everglades, by crossing the head waters of the St. John's, near its union with Lake Macao, and thence passing along the belt of land between that lake and Indian river, until they finally get round to Cape Florida, and to their old celebrated hunting grounds, between that place and Cape Sable. The massacre of major Dade and his troops, in order to break up the communication between Tampa Bay, and the agency, and the numerous skirmishes had and offered along the whole line from Wythlacochee to the Atlantic, diminishing to the west but increasing to the south east, as they retreated, were all auxiliary to the main plan. Mr. W. thinks that the east may be safe when the Indians all retire to the cape—though even then only for a short time; that the forces now rendezvousing at the present seat of war, will not finally settle the difficulty; for it will be impossible to follow the savages by land during the rainy season; and that a new expedition to the cape and everglades is not to be looked for sooner than August or September. The government should not withdraw its troops from the present seat of war without erecting a strong line of defence from the Gulf to the Atlantic, as a security against the renewal of Indian ravages, during the harvest next fall. To erect and garrison block houses 20 miles apart, with 5 foot and 25 mounted men each, from the Wythlacochee, by the way of Wetumkee, and Picolata to some point south of St. Augustine, would not require more than 400 men, which could be readily raised in West and East Florida, by volunteer engagements, say 3 months at a time.

Mr. W. estimates the Indian force at 4,000 effective warriors, including negroes—the country they occupy being about 300 miles long, by 125 broad, the centre (two-thirds) of which is covered by a chain of lakes studded with islands and almost endless glades, chequered with lagoons and deep narrow streams, making in all directions into the sea, and arched over with mats of evergreens and high grass; the other part being fertile land, abounding in compey or arrow root, an excellent substitute for bread, and producing a variety of fruits—the adjacent forest filled with wild game, and the adjacent waters with fish and wild fowl. Mr. W. further expresses the opinion that the Indians, who have had much intercourse and some intermarriages with Spanish fishermen, entertain a vain hope of finally escaping to the West Indies, with their negroes, and that it will be necessary to encompass them by block houses on land, and armed vessels or boats by water, so as to break up all communication between them and the Spanish fishermen, and our runaway negroes, or they may keep up a petty war with us for the next 5 years.

General Clinch, in an official report made to gen. Scott on the 20th ult. estimates the number of the hostile force in Florida at fifteen hundred Indian warriors and two or three hundred negroes.

*Mobile (Ala.) March 2.* The Alabama regiment of volunteers for the Seminole campaign sailed this morning for Tampa Bay. They are as fine a set of men as were ever gathered together for such an occasion—all vigorous, healthy, and in the prime of life, generally between twenty and thirty-five years of age.

The regiment consists of ten companies of volunteers from the following counties: three from Tuscaloosa, two from Montgomery, one from Autauga, (Wetumpka), one from Dallas, one from Wilcox, one from Pickens, and one from Fayette.

The field officers are col. *Christholm*, lieutenant col. *Crabbe* and major *Taliaferro*.

One of the New Orleans companies which came over here to obtain an opportunity of joining the troops in service, was accepted by col. *Lindsay*, and accompanied the regiment. The other was disbanded. [*Register.*]

*From the Louisiana Advertiser, 24th ultimo.*

By the arrival of the schooner *Mary Dow*, captain *TITLEY*, we learn that numbers of the Indians were flocking into Tampa Bay, for the purpose of submitting themselves to the plan of emigration originally agreed on by them. There were upwards of five hundred of them awaiting passage in vessels bound for this place and Mississippi. Capt. T. further states that the Indians are becoming extremely useful by acting in the capacity of guides to the volunteers arriving at that place.

#### THE CREEK INDIANS.

The *Tuscaloosa (Ala.) Intelligencer* of the 29th inst. says:—"We understand that recent information received by the executive of this state, induces the belief that these Indians are making preparations to commence hostilities against our citizens in consequence of which we are informed the governor has ordered out one thousand mounted men, to be stationed at different points, and act as a corps of observation for the protection of the inhabitants near the Indian locations, in the eastern part of this state.

We learn further, that these men will be ordered mostly from Madison, Jackson, Limestone, and some of the other north eastern counties."

The *Salt River Journal*, published in Missouri, says:—

The Sioux nation on our north are beginning to manifest some restiveness, and some difficulty is apprehended. The troops at Rock Island, Fort Crawford and Prairie Du Chien have been ordered to Fort Snelling at the St. Peters agency. The Sioux nation is one of the largest tribes in the north.

#### TWENTY-FOURTH CONGRESS—FIRST SESSION.

##### SENATE.

*March 11.* A message was received from the president of the United States accompanying a report from the treasury department in relation to the expenditures on the Cumberland road, which, on motion of Mr. *Clay*, was ordered to be printed.

Mr. *Knight*, from the committee on manufactures, reported the bill, without amendment, for the allowance of drawback on imported hemp when manufactured into cordage, which was ordered to be printed.

On motion of Mr. *Wright*, the amendments made to this bill by the house of representatives were concurred in by the senate.

Several other bills were passed among them that to settle the northern boundary of Ohio.

The senate proceeded to consider the bill for the continuation of the Cumberland road.

The amendment of Mr. *Clay* to reduce the aggregate amount of appropriations in this bill to \$600,000, were agreed to, and the bill being reported, they were all concurred in by the senate by a vote of 29 to 11.

The bill was then ordered to be engrossed by the following vote:

**YEAS**—Messrs. Benton, Buchanan, Clay, Clayton, Crittenden, Cuthbert, Davis, Ewing, of Illinois, Ewing, of Ohio, Goldsborough, Grundy, Hendricks, Krug, of Ala. Knight, Linn, McKean, Moore, Nicholas, Niles, Robbins, Robinson, Tallmadge, Tipton, Tomlinson, Wall, Webster, Wright—29.

**NAYS**—Messrs. Black, Brown, Calhoun, Hill, Hubbard, King, of Georgia, Leigh, Naudain, Porter, Prentiss, Ruggles, Shepley, Swift, Walker, White—16.

The bill as it was ordered to be engrossed, is as follows:

*Be it enacted, &c.* That the sum of two hundred thousand dollars be, and the same is hereby appropriated, for the purpose of continuing the Cumberland road in the state of Ohio, that the sum of two hundred and fifty thousand dollars be, and the same is hereby appropriated, for continuing the Cumberland road in the state of Indiana, including materials for erecting a bridge across the Wabash river; and that the sum of one hundred and fifty thousand dollars be, and the same is hereby appropriated, for continuing the Cumberland road in the state of Illinois; which sums shall be paid out of any money not otherwise appropriated, and replaced out of the fund reserved for laying out and making roads under the direction of congress, by the several acts passed for the admission of the states of Ohio, Indiana, Illinois and Missouri into the union, on an equal footing with the original states: *Provided*, That the expenditure herein made for the state of Illinois shall be limited to the graduating and bridging of the road therein; and shall not be construed as pledging congress to future appropriations for the purpose of Macadamizing the road.

*Sec. 2.* That the moneys hereby appropriated for the construction of the said road in the states of Ohio and Indiana be expended in completing the greatest possible continuous portion of said road in the said states, so that such finished parts thereof may be surrendered to the said states, respectively.

The question of the abolition of slavery in the District of Columbia, was called up by Mr. *Leigh*, and he withdrew his amendment.

Mr. *McKean* moved to amend Mr. *Buchanan's* motion by inserting as a reason for rejection, "that it is inexpedient to legis-



late on the subject of slavery in the District of Columbia," but he did not succeed.

The whole subject was then agreed to as follows:

**YEAS**—Messrs. Benton, Black, Brown, Buchanan, Clay, Crittenden, Cuthbert, Ewing, of Ill. Ewing, of Ohio, Goldsborough, Grundy, Hill, Hubbard, King, of Ala. King, of Georgia, Leigh, Linn, McKean, Morris, Nicholas, Niles, Porter, Preston, Robbins, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Tomlinson, Walker, Wall, Wright—34.

**NAYS**—Messrs. Davis, Hendricks, Knight, Prentiss, Southard, Webster—6.

The senate proceeded to the consideration of executive business.

Adjourned to Monday.

March 14. Mr. Leigh presented the credentials of *W. C. Rives*, elected a senator from Virginia, in the room of *John Tyler*, resigned.

Mr. Rives was then qualified, and took his seat.

Mr. King, of Alabama, offered the following joint resolution; which was read a first time:

*Resolved by the senate and house of representatives of the United States of America in congress assembled*, That the president of the senate and speaker of the house of representatives close the present session of congress by an adjournment of their respective houses on the — day of May next.

Mr. Ewing, of Ohio, proposed to take up the land bill, which was rejected by the following vote:

**YEAS**—Messrs. Calhoun, Clay, Clayton, Crittenden, Davis, Ewing, of Ohio, Hendricks, Knight, Leigh, McKean, Mangum, Naudain, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster—20.

**NAYS**—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Ewing, of Ill. Grundy, Hill, Hubbard, King, of Ala. King, of Geo. Linn, Moore, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, Wall, White, Wright—26.

The bill for the continuation of the Cumberland road in Ohio, Indiana and Illinois, was read a third time and passed.

Some time was spent in executive business—after which the senate adjourned.

March 15. After the minor business had been disposed of—

Mr. Ewing, of Ohio, moved the senate to take up the bill to authorise the distribution of the proceeds of the public lands, &c.

Mr. Buchanan expressed a hope that the senate would proceed to the consideration of executive business.

Mr. Ewing called for the yeas and nays on the question, which were ordered; and, after a few words from Messrs. Benton, Ewing and Black, the question was taken, and decided as follows:

**YEAS**—Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing, of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Naudain, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, White—24.

**NAYS**—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing, of Ill. Grundy, Hill, Hubbard, King, of Alabama, King, of Georgia, Linn, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, Wall, Wright—23.

So the senate determined to take up the bill.

Mr. Ewing, of Ohio, then addressed the senate at length on the character and merits of the bill, going at large into a variety of interesting statements and views of the finances of the country, confirmatory of those which he made a few days ago on the same subject. Among other things, Mr. Ewing stated, that, as estimated, with the balance in the treasury on the first of January last, the amount in the treasury on the first of January next would be

\$74,407,000
23,134,000

Appropriations to be paid out,

Balance in the treasury 1st January, 1837,	\$51,273,000
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About half past 2, Mr. Ewing being exhausted, gave way, and

Mr. Southard moved that the senate adjourn.

Mr. Buchanan moved to postpone the further consideration of the bill until to-morrow, but

Mr. Ewing refused to yield the floor for such motion. He said he was willing to yield to an informal motion, which would leave the question in the situation in which he left it, to be resumed as a matter of course. This might be done by unanimous consent.

Mr. Buchanan expressed his willingness.

Mr. Benton. I wish to be excluded from any such consent.

Mr. Ewing then resumed his remarks.

At 3 o'clock, Mr. Naudain moved that the senate now adjourn.

The motion was rejected—yeas 19, nays 22. The subject was, at last, postponed until to-morrow; and

On motion of Mr. Buchanan, the senate proceeded to the consideration of executive business; after which,

The senate adjourned.

March 16. Mr. Webster presented several abolition petitions—and a desultory debate followed, in which Messrs. Webster, Mangum, Rives, King, of Ala. and Preston, took part.

The following resolution, prefaced by a long preamble, was submitted by Mr. Benton:

*Resolved*, That the said resolution be expunged from the journal, and for that purpose, that the secretary of the senate,

at such time as the senate shall appoint, shall bring the manuscript journal of the session of 1833-'4 into the senate, and, in the presence of the senate, draw black lines round the said resolve, and write across the face thereof, in strong letters, the following words: "Expunged by order of the senate, this — day of —, in the year of our Lord 1836."

The senate having resumed the consideration of the bill to distribute the proceeds of the sales of the public lands among the several states,

Mr. Ewing, of Ohio, resumed and concluded his speech in favor of it. When

The senate went into the consideration of executive business; after completing which,

The senate adjourned.

March 17. After the presentations of petitions and reports from committees, which will be noticed in their progress.

Mr. Webster moved the printing of 3,000 extra copies of the statement of the affairs of the deposit banks, transmitted by the secretary of the treasury. Mr. W. made some remarks, shewing the dangerous situation of the public money in those banks.

A debate ensued on this motion, in which Messrs. Benton, Clay, Calhoun, Wright, Ewing, Walker and Black participated; after which the motion was agreed to.

Mr. Grundy offered the following resolution:

*Resolved*, That the committee on the post office and post roads be instructed to inquire into the expediency of authorising permanent contracts to be made for the transportation of the mail with the different rail road companies, or such of them as may be willing to make contracts for that purpose, upon such terms and under such restrictions as may be prescribed by law.

Mr. Clayton expressed his acquiescence in the resolution, and hoped that the views of the department would be extended to rail roads about to be constructed, as well as those which are already in operation.

Mr. Grundy replied that he concurred in the extension of the contracts, and the advance of the money to such rail roads as might be so far completed as to enable them to render service to the country.

Mr. Webster referred to certain resolutions on the same subject, submitted by him at the commencement of the present session, and, after some observations, he stated that he should, when this resolution was adopted, move the reference of his resolutions to the same committee.

Mr. Porter made a few remarks, and Mr. Calhoun had obtained the floor; when

Mr. Grundy (to check the discussion) withdrew his motion for consideration, and the resolution lies for consideration until to-morrow.

The senate proceeded to consider the bill to appropriate, for a limited time, the proceeds of the public lands, and

Mr. Hill addressed the senate at length in opposition to the principles of the bill.

After he concluded his remarks, the senate adjourned.

HOUSE OF REPRESENTATIVES.

Friday, March 11. The motion of Mr. Jennifer, to suspend the rules for the purpose of offering a resolution referring an application for a change of post routes in his district, to the committee on post offices and post roads, was taken up as the unfinished business of yesterday.

[Mr. Jennifer made this report yesterday, stating as a reason for it, that repeated applications on the subject had been made by him to the post office department and neglected. Further, he stated; that upon remonstrating with the assistant post master general against this neglect, he was replied to by an insolent letter which he read.]

Mr. Turrill asked the yeas and nays on the question which were ordered.

The question being taken, the motion was rejected—yeas 68, nays 115.

Subsequently Mr. Jarvis moved to reconsider the above vote, which motion lies over one day.

On motion of Mr. J. Q. Adams, the rules were suspended for the purpose of offering a resolution for printing 25,000 extra copies of the report of the secretary of the treasury on the subject of the cultivation and manufacture of cotton; and the resolution was considered, amended, so as to reduce the number to 15,000 copies, and agreed to.

The motion to reconsider the vote rejecting the motion of Mr. Bynum to permit the petitioner in the case of the North Carolina contested election to appear before the house, by counsel, in his own behalf was again taken up and supported by Messrs. Boudin and Bynum, and opposed by Mr. Hard, till the expiration of the hour assigned for morning business.

Mr. A. H. Shepperd moved to suspend the rule for the purpose of continuing the consideration of the subject; rejected by a vote of 104 to 52—not two-thirds. The house then proceeded to consider private bills, as the order for Friday. Several private bills were read a third time and passed.

The joint resolution for placing Benedict Alford and Robert Brush on the pension list, was taken up; and, after debate, in which Messrs. Wardwell, Brown, Lay, Underwood, J. Y. Mason and Whittesey took part.

Mr. Whittesey moved to recommit the joint resolution to the committee on pensions.

[It appeared that this bill passed congress at its last session, and was approved by the president; but subsequently the secretary of war discovered that the bill had not received the action of the senate. The president, upon being informed of this fact, returned the bill to the senate, by a special message, which, with the bill, was referred to the committee on the judiciary, who made no report upon the subject. It appeared that the bill had duly passed the senate, and that the signature and authentication of the presiding officer were duly affixed; but the journal contained no record showing that the action of the senate had passed the bill. It was contended, on one side, that the law was complete and fully attested, by all the forms required by the constitution; that it was a law which the president and all others were bound to obey and execute, and that it was wrong to go behind the proper evidence to examine the record.

On the other hand, it was urged that the record of the senate was the only evidence that the constitutional forms of passing the bill had been observed by that body; and that when the president ascertained that such evidence was wanting, he acted rightly in refusing to execute the law. In short, it was said by some that the bill had become a law at the last session, and it ought not to be passed again, but ought to be executed; and by others, that there was no true, constitutional evidence that the action of the senate had made it a law, and, therefore, it could not properly be executed as such.]

No decision was had on this case, before the house adjourned.

*Saturday, March 12.* The house was occupied this day, with the North Carolina contested election. Nothing decided.

*Monday, March 14.* The house took up the resolutions of the legislature of the state of New York on the subject of a reorganization of the militia system by congress, presented last Monday by Mr. Gillett, together with the motion of Mr. G. to commit the same to the committee on the militia, with the following instructions:

To inquire into the expediency of so altering the laws relating to the militia, as to provide—

First. That all free white male citizens of the United States, between twenty-one and forty-five years of age, shall be enrolled in the militia.

Second. That, of the persons so enrolled, all who are under twenty-seven years of age, shall once in each year be called out for a period not less than six days, and remain under arms during that period, with the view of improvement in military discipline and martial exercise, and such persons to be minutemen, and to be first called upon in case of insurrection or invasion.

Third. That the persons who shall thus be called out and remain under arms shall receive a reasonable compensation for their time.

Fourth. That the government of the United States shall furnish all proper depositions for the use of the persons thus called out, all needful tents, arms and accoutrements.

Fifth. That there shall be deposited at proper points on the frontiers and seaboard, all necessary and proper arms, including brass cannon, accoutrements and ammunition, to supply the enrolled militia when called into actual service in defence of the country.

After several gentlemen had given their views of the subject—on motion of Mr. Glascock, it was laid on the table for the present.

The bill making further appropriations for the suppression of Indian hostilities in Florida was, by consent, taken up, and, having been read a third time, passed.

Many petitions were presented this day.

Mr. Williams, of Kentucky, presented resolutions of the legislature of Kentucky in favor of the distribution of the proceeds arising from the sale of the public lands among the several states, and also of the distribution of the surplus revenue among the states, the reference of which he moved to the committee of ways and means.

Mr. Boon, remarking that the subject was before the committee on public lands, moved its reference to that committee.

Mr. Garland, of Virginia, moved that the subject be laid on the table.

The chair stated that, under the rules, the subject would lie over.

Mr. Howard presented a memorial from the National Trades' Union association, praying the passage of a law regulating the number of hours for the employment of day laborers in the service of the United States.

Several motions of reference being made, and a debate being likely to arise,

The chair stated that the subject would lie over, under the rules of the house.

A large number of resolutions were submitted, which were referred, &c.

The house took up the memorial heretofore presented by Mr. Clark, of certain citizens of Dauphin county, Pa. asking an appropriation of money, for the purpose of removing to the coast of Africa free persons of color and manumitted slaves.

Mr. Clark having moved to refer the memorial to a select committee, and that it be printed, the question pending was the motion of Mr. Patton to lay the memorial and the motion to refer and print on the table.

Mr. Clark asked for the yeas and nays on Mr. Patton's motion; which were ordered, and were as follows:

YEAS—Messrs. Anthony, Beale, Bean, Beaumont, Bockee, Boon, Bovee, Boyd, Brown, Bunch, Bynum, Cambreleng, Campbell, Carter, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cushman, Davis, Deberry, Dickerson, Doubleday, Dromgoole, Dunlap, Effner, Fairfield, Farlin, Forester, French, Fry, Wm. K. Fuller, James Garland, Gillet, Glascock, Graham, Grantland, Grayson, Griffin, Haley, Joseph Hall, Hamer, Hannegan, Hardin, Hawes, Hawkins, Haynes, Henderson, Holsley, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Jenifer, Joseph Johnson, R. M. Johnson, Cave Johnson, Henry Johnson, J. W. Jones, Benj. Jones, Judson, Kennon, Kilgore, Klingensmith, Lansing, Lawler, G. Lee, J. Lee, Luke Lea, Logan, Loyall, Lyon, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, M. Mason, Maury, May, McComas, Muhlenberg, Owens, Page, Parks, F. Pierce, Peyton, Phelps, McKay, McKeon, McKim, McLene, Montgomery, Morgan, Pickens, Rencher, John Reynolds, J. Reynolds, Roane, Robertson, Rogers, Aug. H. Shepperd, Shields, Sickles, Smith, Standefer, Steele, Taliaferro, Thomas, Waddy Thompson, Toucey, Towns, Turrill, Vanderpoel, Ward, Washington, Webster, Weeks, White, Sherrod Williams—129.

NAYS—Messrs. Adams, H. Allen, Ash, Bailey, Banks, Barton, Bond, Borden, Bouldin, Briggs, William B. Calhoun, Carr, Casey, George Chambers, Childs, Clark, Corwin, Crane, Darlington, Denny, Evans, Everett, Phijo C. Fuller, Granger, Graves, Grennell, Hiland Hall, Hard, Harlan, Harper, S. S. Harrison, Hazeltine, Heister, Hoar, Howell, Ingersoll, Wm. Jackson, James, Kinnard, Lane, Lawrence, Lay, Thomas Lee, Leonard, Lincoln, Love, Sampson Mason, McCarty, McKennan, Mercer, Miller, Milligan, Morris, Parker, Patterson, Dutee J. Pearce, Phillips, Potts, Reed, Russell, Schenck, Shinn, Stade, Stone, Spangler, Storer, John Thomson, Underwood, Vinton—69.

So the memorial was laid on the table.

*Tuesday, March 15.* On the motion of Mr. Bell, the house agreed to meet at 11 o'clock, hereafter.

The naval service bill was taken up, in committee of the whole, and Mr. Evans, of Maine, occupied the remainder of the day. The committee rose on the motion of Mr. Chambers, of Penn.

*Wednesday, March 16.* The house was called to order at 11 o'clock. Mr. Evans objected to the reading of the journal, on the ground that a quorum was not present. The chair, after counting, stated that there appeared to be but 73 members in attendance. A whole hour was spent in calling, re-calling, taking yeas and nays, &c.

At length, at 12 o'clock, the doors, which had been closed against absentees, were opened, and the journal read.

After some other business—

On motion of Mr. Cambreleng, the house went into committee of the whole on the state of the union, Mr. Miller in the chair, upon the bill making appropriations for the naval service of the United States for the year 1836—the question still being on the motion of Mr. Bell to reduce the appropriation for the navy yard at Portsmouth from \$67,000 to \$35,500.

A general debate followed—in which Messrs. Evans, Chambers, of Pa. Bell, and others took part. The committee rose and the house adjourned, without a decision.

*Thursday, March 17.* Mr. Hawes made an unsuccessful attempt to suspend the rules for the purpose of taking up the resolution heretofore offered by him for the appointment of a select committee to investigate the concerns of the West Point academy.

The house resumed the consideration of the report of the committee on elections relative to the North Carolina contested election, the question being on a motion to recommit the report to the committee on elections, with instructions to allow further time for taking depositions in relation to the election.

The petitioner (Mr. Newland) having been permitted, by order of the house, to appear at the bar, addressed the house, at length, in support of his claim, and in opposition to further delay of the decision on the subject.

A debate ensued in which Messrs. Howard, Graham, Boyd, Maury, Claiborne and Hard, took part; before Mr. Hard concluded his remarks,

The chair announced the arrival of the hour assigned for taking up the special order.

Mr. Boyd moved to suspend the special order for this day, for the purpose of proceeding in the consideration of the report of the committee on elections.

On this motion, the yeas and nays were asked by Mr. Galbraith, and they were ordered.

The question being taken, it was decided in the negative—yeas 175, nays 72.

On motion of Mr. Cambreleng, the house, pursuant to the special order of the 26th January, then resolved itself into a committee of the whole on the state of the union, Mr. Haney in the chair, and resumed the consideration of the bill making appropriations for the naval service of the United States for the year 1836.

The question being on the motion of Mr. Bell to strike out the following clause:

“For improvement and necessary repairs of the navy yard at Portsmouth, New Hampshire, sixty-seven thousand dollars.”

Mr. Hawes moved to postpone all the rules of the house, for the purpose of introducing a motion to rescind the order of the house making the appropriation bills the special order for each

day, except Friday and Saturday, after one o'clock; and on that motion he asked the yeas and nays, which were refused. The motion was then rejected.

Mr. Bell, then resumed his arguments, but without concluding, gave way for a motion that the committee rise; which was carried, and the house adjourned.

MICHIGAN.

For the Journal and Advertiser.

Mr. Corseilus: I observed in the published documents from Washington, a letter of instructions by the acting secretary of state, to John S. Horner, esq. acting governor of Michigan, which I think merits the perusal of our citizens as illustrative of the light which our proceedings are held in by president Jackson and his cabinet.

I would humbly request the views of some conspicuous member of the honorable legislature of the state of Michigan on this letter, a copy of which I herewith transmit to you for publication.

Department of state, October 8, 1835.

Sir: I have laid before the president your communication of the 28th ultimo, with the papers which accompanied it.

The president, though aware that the inhabitants of Michigan had been for some time taking measures with a view to the admission of that territory into the union as a state, relied so fully upon their respect for the constitution and laws, as not to suppose that, in their zeal for that object, they could be led to adopt any other measures than those within their legal competency.

It is only now, for the first time, that he has seen the constitution agreed to by the convention, and submitted to the people of Michigan for their ratification. He perceives, as is represented in your letter, that a new government created by that constitution is intended to go into operation on the first Monday in November next, and to exercise after that time legislative, executive, and judicial powers within that part of the territory which was formed by the act of January, 1805; and, consequently, that the territorial government established by congress is then to be superceded and abrogated within that portion of the territory.

The president views as natural and proper the desire of the people of Michigan to be admitted to all the rights of a state. It will afford him great pleasure to aid, as far as depends on him, in the early accomplishment of that important object; and, in the mean while, he will not sanction any interruption of the proceedings which they may adopt with that view, so long as such proceedings do not interfere with the due administration of the laws of the United States for the establishment and government of that territory, and with the rightful exercise of the functions of the officers appointed under their authority. But as he cannot admit that any government which the people of Michigan may desire to set up can, without the consent of congress, supercede or abrogate that which congress has established, he trusts that no attempt will be made by any person, under authority supposed to be derived from the proposed constitution, to exercise powers incompatible with those which congress has entrusted to officers appointed under its own authority.

The president is of opinion that the territorial government now existing in Michigan having been established by congress in virtue of the power exclusively vested in that body by the constitution, must continue until it is terminated by congress. The laws by which it is established have the same force in his mind, as any other laws of the United States, and he deems it not less his duty to see them faithfully executed.

If, as the people of the territory believe, the time has arrived when their present political condition ought to cease, he cannot doubt that congress, in its wisdom and justice, will readily fulfil the pledge contained in the ordinance of 1787 for their admission into the union. But until that event shall take place, he cannot recognise any other government in Michigan than that established by congress.

I am instructed by the president to make known to you his views on the subject, and, in answer to your desire to be informed of the course which you should pursue, to state that it will be proper for you, as well as all other officers appointed under the authority of the laws of the United States in the territory, to continue in the exercise of your official duties until those laws be altered or revoked by congress.

The opinion of the attorney general having been recently taken on questions growing out of certain proceedings in Arkansas with the view to the formation of a state government in that territory, I am directed to transmit a copy, in the belief that, from the analogy between the two cases, it may prove useful to you. I have the honor to be, sir, your most obedient servant,  
ASBURY DICKINS, acting secretary.  
John S. Horner, esq. acting gov. of Michigan territory, Detroit.

OHIO AND MICHIGAN.

Boundary difficulties. After the difficulties of the last summer upon our border had been encountered, we hoped that congress would promptly settle the matter on meeting, and that we should hear no further account of collision of authorities in that quarter; but the following letter from a gentleman at Toledo, dated January 30th, 1836, to the editors of the Columbus Hemisphere, shows that difficulties will occur until this question shall have been definitely and finally settled. This we

hope congress will not fail to do at an early day, though, at present, the prospect of a speedy determination is not flattering, as may be seen from the statements of a member of the committee to which the subject was referred. [Balt. Gaz.]

Renewal of hostilities.

GENTLEMEN: On my arrival at this place last evening, from Columbus, I found the town thrown into considerable excitement from a recent attempt on the part of the Michigan authorities to collect taxes from the citizens of the disputed district. From a statement of the facts by judge Wilson, who was one of the sufferers by this recent act of violence, I gather the following particulars:

The town of Whiteford, as organized under the laws of Michigan, passes over the northern boundary of the state, to the Fulton line, and comprehends the town of Sylvania, in Ohio. The assessors of Whiteford having made out their assessment roll, an attempt was made a few days since, by a Michigan officer living north of the constitutional line of Ohio, to collect taxes from citizens of Sylvania. Against these proceedings the citizens of Sylvania remonstrated, alleging that they were in Ohio, and that they would pay taxes to that state only.

The officer thereupon levied upon the property of the citizens, among whom were judge Wilson and Jerome, Cyrus Hollaway, James Egnew and Benj. Joy, esqrs. A number of cattle and horses belonging to these gentlemen were seized by the officer, who proceeded on the 28th inst. to sell them at public auction. Among other outrages, the dwelling-house of col. Hoadly, living some fifteen miles beyond the Sylvania settlement, was broken open in his absence, and a large amount of personal property taken and sold. The people at length becoming enraged at these several acts of violence, collected in a body, and, after having taken out a warrant for the offender under the laws of Ohio, seized him, and conveyed him to the jail of Wood county.

This has created a high degree of excitement as well in the neighboring towns within Michigan, as among the inhabitants within the disputed district. The officer, who has been since bailed out of prison, swears vengeance upon the citizens, and declares his determination of raising a posse to carry out his threat.

PROPERTY AND TAXATION OF STATE OF N. YORK.

It appears from the late report of the comptroller of the treasury of New York, that the general fund, from which the ordinary expenses of the government for many years past have been in a great measure defrayed, is exhausted. The balance of the fund of \$206,000 in bonds and mortgages was last year transferred to the school fund, and the amount applied to the expenses of the government. It is now proposed to meet the expenses of the state by taxation. The comptroller makes the following estimate of the assessed value of the property to the state, and the amount of taxation for county and municipal purposes, for the year 1835.

Real estate in 48 counties.....	\$387,315,275
“ “ in 7 counties, not returned.....	14,769,933
Personal estate in 48 counties.....	122,840,043
Non-resident debts.....	3,763,924
Personal estate in seven counties, not returned.....	1,553,650
	<u>\$530,242,925</u>

The total sum levied upon 45 counties, for county expenses, is	608,574 61
The sum levied upon 44 counties, for town expenses, is	457,265 20
The amount of tax upon the city and county of N. York, say	905,000 00
Add average county expenses for 9 delinquent counties	121,714 92
Add average town charges for 10 delinquent counties	103,953 92

And it makes the aggregate amount of the annual tax upon the whole state, for county and town charges \$2,196,507 65

Which, will average, probably, about \$1 to each inhabitant in the state.

The average rate of taxation, is 5 mills and 12 hundredths upon each dollar of the assessed valuation of the property of the state.

The aggregate number of acres of land assessed in the whole state, is 27,680,839.

IMPORTANT INSURANCE CASE.

George Barclay, Schuyler Livingston, }  
vs.  
Jackson Marine insurance company, }

In the case of the British ship sir James Anderson, abandoned at sea on a voyage from Quebec to Liverpool in December, 1834, for loss of rudder and being in a leaky condition, and defended, on the ground, that (all the ship's water having been on deck on sailing from Quebec) she was unseaworthy; although part of the water was put into the ship's poop before the disaster. The jury after a trial of nine days, and fifteen minutes consideration after the case was given them last evening by his honor chief justice Jones, decided all the points in the case, against the insurance company, as follows:

- I. Was the vessel properly and necessarily abandoned at sea? Yes.
- II. Was the vessel seaworthy when she sailed from Liverpool for Quebec? Yes.
- III. Was the vessel under all the circumstances of the case seaworthy when she sailed from Quebec on the voyage insured? Yes.
- IV. Was the vessel seaworthy after the removal of the casks of water from the deck into the poop cabin? Yes.
- V. Did such removal occur before the happening of any such disasters which caused the abandonment of the vessel at sea? Yes?
- VI. Were any of the disasters which led to the abandonment of the vessel at sea, caused, in any degree, by the stowage of water on deck? No.

The amount of damages in this case was about \$6,300 with interest and costs.  
 The names of the jury were: Edmund Morris, James Burdy, William H. Falls, Thomas Shepard, Luke Gage, W. Rushton, J. M. Jacquelin, John Palmer, G. W. Sumner, J. P. Ames, Joshua Walker, Abraham N. Topping.  
 Counsel for the plaintiffs, Griffin and Gerard; for defendants, Ketchum and Slosson. [New York Gazette.]

THE SLOOP OF WAR PEACOCK.  
 FROM THE NORFOLK BEACON.—A LETTER.  
 United States ship Peacock, Bombay, October 24.

"On the morning of the 20th September, at 2 o'clock, we were aroused by the ship's getting ashore; we immediately furled sails; she was going 7½ miles per hour when she struck. The boats were gotten out and sounded round the ship; after which, the stream anchor was carried out in the direction of deep water. At day-light, saw a low sandy island to the northward, bearing from east to west with shoal water all around us. We made every exertion to heave the ship off, but could not move her; we then started water, threw overboard spare spars, guns, shot, provisions, &c.; and after many reverses, on Tuesday we had the pleasure of seeing the ship in water deep enough to float her. During this time many small vessels called *does* were near us, and, like vultures, watching their prey; and while we were busy in getting into deep water, they commenced robbing a raft we made of our spars to hold provisions, &c. and to land upon if we had lost the ship. At another time they attempted to cut off one of our boats that was carrying out a keedge, but a few shot from our guns (for we did not throw all overboard) made them relinquish their attempt. These lawless people are Bedouin Arabs, who live by plunder; and if it had been our misfortune to have lost the ship, the least of our sufferings would have been to be made slaves of. At sun-rise on Tuesday morning, while there was but little hope of getting the ship afloat, Mr. Roberts left the ship, in one of our boats, for Muscat, to carry the treaty, and have relief sent us from that place. On the same morning we hoisted off, and anchored in 3½ fathoms water, as we could do no better, where she struck very heavily part of the time, and we feared that she would be much injured. The tide rises here six feet; at four o'clock the tide began to rise. We got under-way on Wednesday night, and anchored in 6 fathoms water; next day we got out to sea, and found that we had been on shore in the Gulf of Mazyers, on a small sand key. We arrived safely at Muscat, and found that the Sultan had done every thing in his power to afford us relief. He fitted out a sloop of war in twenty-four hours, and despatched her to us with all kinds of refreshments, and ordered the governor of Zoar to sail for Mazia with all the dows, and 300 men, to render us every assistance that we might require. We met the sloop the day before we arrived; and after our arrival at Muscat, he evinced, in every way, the kindest feeling towards us. This is a very brief account of our misfortunes, and it is owing, under Providence, to the great exertions of the officers and men, that we extricated the ship from her perilous situation. We arrived here the day before yesterday, and expect to get into dock on Monday, and hope soon to be at sea again. The *Enterprise*, Lieutenant com. Campbell, arrived here ten days before us. We parted company soon after leaving Rio de Janeiro. Officers and crew all in fine health."

Navy Department.—The U. S. ship Vincennes, commanded by master commandant John H. Aulick was at Otahete, Sept. 19, 1835, where she arrived on 5th of that month, from Nooah-eavah, one of the Washington group of islands in the Pacific ocean. Nothing worthy of note had occurred since they parted from the Brandywine, com. Wadsworth, in July last, at Callao. Had taken twelve American seamen on board at Otahete, principally left there by whalers, and expected some more before sailing. Intended to sail the next day for the Friendly and Feejee groups, touching at some of the intermediate islands, next to the Pelew islands, and from thence to China, where they expected to arrive by the 1st of January, 1836. All on board were in good health.

The United States ship Concord, captain Mix, sailed from Portsmouth, N. H. on the 27th ult. for the West India station.

THE DEPOSITE BANKS.  
 From the National Intelligencer.

We have made room to-day for a public document of great interest, which will be found on the preceding page. It is a

tabular statement of the condition of the banks in which the public money has been placed, from a particular examination of which, every intelligent reader will derive information, some of it curious, and all of it instructive. The following is a recapitulation of the aggregates of the table:

LIABILITIES.	
Capital.....	\$42,356,088 27
Treasurer United States.....	28,239,744 61
Public officers.....	2,439,135 30
Due to banks.....	14,879,161 45
Contingent fund.....	840,270 97
Profit and loss, discount and interest.....	3,189,932 83
Circulation.....	26,243,688 36
Private deposits.....	15,043,033 64
Other liabilities.....	5,937,045 82
Difference.....	1,970 20
	\$139,170,171 45

MEANS TO MEET THEM.	
Loans and discounts.....	\$65,439,908 64
Domestic exchange.....	27,149,935 39
Real estate.....	1,815,238 04
Due from banks.....	15,712,977 35
Notes of other banks.....	9,573,089 53
Specie.....	10,198,659 24
Foreign exchange.....	406,542 98
Expenses.....	96,591 49
Other investments.....	8,777,228 79
	\$139,170,171 45

[We shall try to get in the table alluded to—for general reference, though it is a very large and heavy one. Reg.]

PROCEEDINGS IN MISSISSIPPI.

The following preamble and resolutions have passed both houses of the legislature of the state of Mississippi, with but one dissenting voice:

Whereas, the U. States did, by a certain treaty held and made with the tribe of Choctaw Indians, residing, for the time being, within the limits of the state of Mississippi, to wit: the treaty of Dancing Rabbit Creek, made and concluded on the twenty-eighth day of September, eighteen hundred and thirty, A. D. and whereas, by the 14th article of said treaty, certain reservations of land were granted to such Indians as should remain on said land for five years next succeeding such treaty; and whereas, such claimants were, by the 14th article in the treaty referred to, compelled to signify their intention of claiming, under the provisions of said treaty, within six months after the ratification thereof, or forever forfeit the right thus acquired; and, whereas, it appears, from recent developments, that large claims to land have been preferred, covering the richest and most valuable portion of the unsold Choctaw lands, and purporting to be founded on, and growing out of, the treaty above referred to, and on a part of which land thus claimed no Choctaw Indian either does now or ever has resided; and whereas, it is evident, from the face of the case, that these claims are manifestly unjust in their character, oppressive in the result of their operation on the freemen of Mississippi, and calculated to secure no ultimate benefit to the Indian originally claiming, but in their consummation will have a direct tendency to impair the confidence which the good people of this state have in the correctness of the law and in the honesty of the administrators of our public institutions; and, whereas, this most iniquitous transaction will, if consummated, not only rob Mississippi of her just and unalienable rights to have her five per cent. on the amount which ought to accrue from the sale of the large portion of valuable land thus reserved; and, whereas, this body has satisfactory evidence of the fact that a large proportion of the claims to said land, under the provision of the treaty already referred to, are set up, and attempted to be sustained on the testimony of Indians who are unacquainted with the nature of an oath, and utterly regardless of the obligation thus incurred, and on the testimony of other individuals wholly unworthy of the confidence of a moral and intelligent community; and, whereas, the permission of such abandoned and licentious profligacy would injure our community, disgrace our social and political compact, and license corruption and perjury to stalk at large through our land:

Now, therefore, be it resolved by the legislature of the state of Mississippi, That our senators in congress be instructed, and our representatives requested, to use the most speedy and efficient means to prevent the consummation of such of said titles to said land as may have originated in fraud, to the end that the aforesaid land may be disposed of in the regular way, and in accordance with the laws in such cases made and provided.

Resolved, That his excellency, Charles Lynch, be requested as early a date as may be possible to furnish our senators and representatives in congress with a copy of the foregoing preamble and resolutions, and with the testimony taken thereon, with a request that they lay the same before both branches of congress.

IMPORTANT TO MERCHANTS.

We have been favored, says the Philadelphia Gazette, by a correspondent at Washington, with the following letter, giving an account of two late decisions of the supreme court.

Washington, Feb. 4, 1836.

Sir: It may be interesting to your mercantile readers to know, that the supreme court has decided two very important cases at its present term, particularly so, as it makes officers liable to all damages they may cause to importers, by preventing them from entering their goods at the legal duty. The first was No. 34, *Tracy versus Swartwout*. The plaintiff imported a quantity of syrup of sugar cane, and offered to bond it at 15 per cent. lawful duty. The collector refused to take the bonds, and insisted it should be bonded at 3 cents per pound. This was declined on the part of the importer, and after the duties were adjudicated to be 15 per cent. the plaintiff brought his action for damages against the collector. The circuit court charged the jury to give nominal damages, as the collector acted in good faith, and by the orders of the secretary of the treasury. The supreme court has set aside the verdict, and ordered the cause to be remanded for further proceedings; deciding, first, that the plaintiff was entitled to the full amount, of all the damages caused to him by the illegal act of the collector; secondly, that the collector was excusable for acting by the orders of the treasury department, only so long as the orders of that department were agreeable to law; thirdly, that the collector was liable for every illegal act he committed. The plea that a known agent was not responsible, but his principal for all damages caused by the acts of his agents, would be to send the injured party to congress, to pray he might be restored to that of which he had been wronged.

The second case was "*Nelson G. Elliot versus Swartwout*." The first question in this case was, whether shawls made of worsted bordered with cotton, were manufactures of which wool was a component part. The court had established the principle in the case of 200 chests of tea, (9 *Wheaton*, 438), that the revenue laws were regulations of commerce, and that the terms used by them were to be constructed in the language used by merchants in the common transactions of life, as done between buyers and sellers; and as merchants did not call worsted stuff goods, manufactures of wool, shawls made of worsted and cotton, were not manufactures of which wool was a component part. Merchants called manufactures of wool, such as were made of carded wool; those made of combed wool were called by merchants worsted stuff; therefore they were not wool or of which wool was a component part. The second question was, whether the collector was personally liable for surplus duty, when he had been told he had charged more than the legal duty; or, when he was told not to pay it over. The court held that he was personally liable for such surplus.

#### IMPORTANT MOVEMENT IN NEW JERSEY.

From the *N. Y. Journal of Commerce*.

The committee of the New Jersey legislature to whom was referred the proposition of the Camden and Amboy rail road, and Delaware and Raritan canal companies, to sell their works to the state on certain conditions, have reported in favor of accepting the proposition, and brought in a bill to that effect, entitled, "An act to extinguish the exclusive privileges of the Delaware and Raritan canal, and the Camden and Amboy rail road." The companies, in the proposition, the acceptance of which is recommended by the committee, offered to sell their rail road and canal, with all property and rights appertaining thereto, for the sum of \$7,650,000, to be paid to the stockholders in certificates of state stock bearing the interest of 5 per cent. per annum, payable half yearly and redeemable in not less than a given number of years. The committee also recommended the acceptance of the offer of the Philadelphia and Trenton rail road company, and the Trenton and New Brunswick turnpike company, to take a lease of the first mentioned works for 36 years, at \$450,000 per annum, in half yearly payments, being the interest of the aforesaid \$7,650,000 at 6 per cent. and also to authorise and require the Trenton and New Brunswick turnpike company to construct a rail road on their turnpike, with such deviations as the nature of the case may require, from the city of New Brunswick to the Delaware bridge at Trenton—said road to be completed in two years. The bill authorised a charge of \$4 for every passenger, transported by day from Philadelphia to New York or from New York to Philadelphia through the state of New Jersey, and \$5 for every passenger so transported by night; the lessees, whenever they shall think proper to charge these prices, being required to pay into the state treasury 25 cents for each passenger. The 7th section of the bill is as follows:

Sec. 7. And be it enacted, that out of the rent to be secured, as aforesaid, from the said lessees, the sum of \$40,000 be, and the same is hereby directed to be appropriated yearly and every year, to defraying the expenses of the government of the state; and that hereafter, during the period of the aforesaid lease, no taxes shall be levied upon the people of this state for that purpose.

So it appears that the legislature calculate to make a good operation out of the arrangement; and it is very plain they will. As the state will pay but 5 per cent. interest on the purchase money, \$7,650,000, and will receive 6 per cent. it will realize an annual profit of \$76,500, which with the interest thereon, will in less than 36 years amount to the whole sum paid, viz: \$7,650,000.

The bill, however, was rejected, and the "monopoly" still will continue.

#### TRADES' UNIONS—LEGAL OPINION.

The following is the opinion of chief justice *Savage*, of New York, on certain combinations that have lately happened in that state. Labor, like every thing else, has a value—and may be determined at the will and pleasure of those who possess it. So as to all other articles of trade—such as bread and beef, and every thing else that has value. If a baker pleases to ask one dollar per lb. for his bread—he is at perfect liberty to do so; but he will not be justified in knocking down, or otherwise maltreating another, who is willing to sell his bread for six cents a pound. The law will punish him for his misdeeds, and so it ought. Unless it did, every thing would be yielded to brute force, and the first principle of safety to society be over-thrown. The associations too, in any case, perhaps, have a right to *prices* from their societies any persons who does not exact the prices demanded by such societies—but here their right ends, and the law of nature takes place: violence must not be resorted to—or violence must be met with violence; and such we regard all combinations to reduce prices for labor. There must be no force, in either case—that must be resisted, and will be; until society is wrecked, and "chaos comes again."

The people, vs. George W. Fisher, Stephen Fowler and Anthony C. Hoyt. By the court, *Savage*, chief justice. The defendants were indicted at the court of general sessions of Ontario, in May, 1834, for a conspiracy.

1st Count. The first count charges that on the 1st August, 1833, at Geneva, the defendants, with other persons formed themselves into a club or combination, and conspired to prevent journeymen shoemakers from working below certain rates or prices, and made certain rules or by-laws by which any journeyman shoemaker who should make men's coarse boots for a less price than one dollar, should forfeit ten dollars. And did also conspire and agree that they would not work for any boss shoemaker who should employ any journeyman at a less price. Further, that one Pennock, a journeyman, did make ten pair of coarse boots for one Daniel L. Lum, a boss shoemaker, for seventy-five cents per pair. That Lum employed Pennock to work for 75 cents per pair, and the defendants refused to work for him, as they had done before, for the only reason that Lum had employed Pennock who had broken their by-laws.

2d Count. After stating the combination and conspiracy as above, also charges that the defendants conspired and agreed that they would not work for any boss shoemaker who should employ the said Pennock. That Lum did employ the said Pennock, and the defendants left his employ, and refused any longer to work for him, solely for the reason that he employed the said Pennock. Whereby the said Lum was compelled to dismiss the said Pennock. The indictment contains two other counts, charging the same offence, with some variations.

The defendants pleaded a former indictment for the same offence, found at the November sessions, 1833, and another indictment found at the February sessions, 1834. Upon both of which they had been arraigned and pleaded not guilty, and the said indictment had never been tried. To this the public prosecutor demurred. The court gave judgment for the defendants, on the ground that the indictment did not describe an offence known to and recognized by the laws of the state of N. York. We have the authority of *Hawkins* for saying that a plea of a former indictment pending for the same offence is bad. *Hawkins*, P. C. book 2, ch. 33, s. 1, and by our revised statutes 2 R. St. 726, s. 42, the first indictment is superseded by the second, and liable to be quashed. It is not, therefore, a bar to such second indictment.

The only question, therefore, is the one decided by the court below; whether the offence charged is indictable? The legislature have given us their definition of conspiracies, and abrogated the common law on the subject. We must, therefore, see whether this case comes within the statute. The legislature have said, § 2 R. St. 691, 2. s. 8. "If two or more persons shall conspire, either 1st, to commit any offence; or 2d, falsely and maliciously to indict another for any offence, or to procure another to be charged or arrested for any such offence; or 3d, falsely to move or maintain any suit; or 4th, to cheat and defraud any person of any property by any means which are in themselves criminal; or 5th, to cheat and defraud any person of any property, by any means, which if executed would amount to a cheat, or to obtaining money or property by false pretences; or 6th, to commit any act injurious to the public health, public morals, or to trade or commerce, or for the perversion or obstruction of justice, or the due administration of the laws, they shall be deemed guilty of a misdemeanor." § 9th, "no conspiracies, other than such as are enumerated in the last section, are punishable criminally." If the conspiracy charged in the indictment, is an offence under this statute, it must be embraced under the sixth subdivision, and is an act injurious to trade or commerce. The conspiracy in this case was not to commit an offence within the meaning of the statute—the raising of wages is no offence, the conspiracy is the offence, if any has been committed—nor was the object to indict any one; to move or maintain a suit; to cheat any one by criminal means, or by any means which if executed would amount to a cheat—nor to obstruct the course of justice or the administration of the laws. The question therefore is, is the raising of the wages of journeymen shoemakers an act injurious to trade or commerce? The words trade and commerce, are said by *Jacobs* in his law dictionary, not to be synonymous;

that commerce relates to dealings with foreign nations; trade, on the contrary, means mutual traffic among ourselves, or the buying, selling or exchange of articles between members of the same community. That the raising of wages, and a conspiracy, confederacy or mutual agreement among journeymen, is a matter of public concern, and in which the public have a deep interest, there can be no doubt. That it is an indictable offence at common law, is proved by legal adjudications.

The king vs. journeymen tailors of Cambridge 8 mod. \* The defendants were indicted for a conspiracy among themselves to raise their wages—they were found guilty—and moved in arrest, among other things, that no crime appeared upon the face of the indictment. To this the court answer: That it is true that the indictment sets forth that the defendants denied to work under such wages as they demanded, but it was not for the denial, but the conspiracy they were indicted—and the court add, that a conspiracy of this kind is illegal, though the matter about which they conspired might have been lawful, for them or any of them to do without a conspiracy; and they refer to the case of the sub \* omen against the brewers of London. This case has been recited as sound law by all subsequent writers on criminal law.

The people vs. Trequirer and others, 1. Wheeler's Crimin. \* as. 142, was an indictment against the defendants for a conspiracy to cause one Acher to be discharged from employment as a hatter, and refusing to work for their employers unless they would discharge Acher, because as they alleged he, Acher, worked for "knocked down wages." The facts of the case were much like the present except that the defendants were hatters, and here they are shoemakers. The counsel for the defendants contended that the doctrine of conspiracy was applicable in this country. The defendants were convicted. Journeymen may each singly refuse to work unless they receive an advance of wages, but if they do so by pre-concert or association they may be punished for a conspiracy, 6, T. R. 636. Such was the construction of the common law, but in England the subject has been thought sufficiently important to require the special attention of the legislature, and statutes have been enacted in the reign of Edward 6th, and George 3d, which subject workmen conspiring either to reduce the time of labor or to raise their wages, to the punishment of fine and imprisonment.

I have found but few adjudications upon this subject, but the precedents, in the absence of adjudications, are some evidence of what the law is. Among these we find precedents, at common law against journeymen for conspiring to raise their wages and lessen the time of labor, and to compel masters to pay for a whole day's work—against journeymen lamplighters for conspiring to raise wages, and against journeymen carriers for the like offence, 3 ch. er. L. 1, 163 and note 9; against salt makers for conspiring to enhance the price of salt; against journeymen serge weavers, for refusing to work for a master who had employed a man contrary to certain rules entered into by conspiracy; against journeymen leather dressers for conspiring to induce a man to turn a person out of his employment—against master ropemakers, for conspiring not to employ journeymen who had left their last master without his consent. Some of these offences seem to have had for their object the oppression and injury of an individual—others were calculated to injure the public. The immediate object in those cases as in this, probably was to benefit the conspirators themselves; but if their individual benefit is to work a public injury a conspiracy for such an object is against the spirit of the common law. The offence of conspiracy seems to have been left in greater uncertainty by the common law than most other offences. Mr. Chitty states that all confederacies wrongfully to injure another in any manner are misdemeanors. So the law was understood by this court until the decision of the case of Lambert vs. the people, 9 Cowen 578. The judgment of this court was reversed in that case by the casting vote of the president; but whether on the ground that a conspiracy to defraud an individual was not indictable, or on the ground that the indictment was defective in omitting to state the means by which the fraud was effected, it is impossible from the report to ascertain; and the question was left in doubt whether an indictment lies for conspiracy to produce a mere private injury by means which are not in themselves criminal, and which would not affect the public, nor obstruct public justice. That question was intended to be put at rest by the revised statutes—and we have the authority of the revisers for saying that this is the only particular in which a departure from the common law doctrine was intended, if indeed the common law was as it was understood by this court. See note of revisors to pt. 4 ch. 1, Tit. 6.

Whatever disputes may exist among political economists upon the point, I think there can be no doubt in a legal sense, but that the wages of labor compose a material portion of the value of manufactured articles. The products of mechanical labor compose a large proportion of the materials with which trade is carried on. By trade I now understand traffic or mutual dealings between members of the same community, or internal trade. Coarse boots and shoes are made in many parts of our country, not for particular persons who are to wear them, but as an article of trade and commerce. Probably such is the case in Geneva, where this offence was committed. If

journeymen bootmakers, by extravagant demands for wages, so enhance the price of boots made in Geneva, for instance, that boots made elsewhere, in Auburn for example, can be sold cheaper, is not such an act injurious to trade? It is surely so to the trade of Geneva in that particular article, and that, I apprehend, is all that is necessary to bring the offence within the statute. It is important to the best interests of society that the price of labor be left to regulate itself, or rather be limited by the demand there is for it—combinations and confederacies to enhance or reduce the prices of labor or any article of trade or commerce are injurious. They may be oppressive by compelling the public to give more for an article of necessity or of luxury than it is worth, or on the other hand by compelling the labor of the mechanic for less than its value. Without any officious and improper interference on the subject, the price of labor or the wages of mechanics will be regulated by the demand for the manufactured articles and the value of that which is paid for it. But the right does not exist either to enhance the price of the article, or the wages of the mechanic, by any forced and artificial means. The man who owns an article of trade or commerce, is not obliged to sell it for any particular price—nor is the mechanic by law obliged to labor for any particular price. He may say that he will not make coarse boots for less than one dollar per pair, but he has no right to say that no other mechanic shall make them for less. The cloth merchant may say that he will not sell his goods for less than so much per yard, but he has no right to say that any other merchant shall not sell for a less price. If one individual does not possess such a right over the conduct of another, no number of individuals can possess such a right. All combinations, therefore, to effect such an object, are injurious not only to the individual particularly oppressed, but to the public at large. In the present case an industrious man was driven out of employment by the unlawful measures pursued by the defendants, and an injury done to the community by diminishing the quantity of productive labor and of internal trade. In so far as the individual sustains an injury the remedy by indictment is taken away by our revised statutes, and the sufferer is left to his action on the case. But in so far as the public are concerned in the embarrassment to trade by the discouragement of industry, the defendants are liable to punishment by indictment. If combinations of this description are lawful in Geneva, they are in every other place. If the bootmakers may say that boots shall not be made for less than one dollar, it is optional with them to say that ten dollars shall be paid or even fifty—and no man can wear a pair of boots without giving such price as the journeymen bootmakers may choose to require. This I apprehend would be a monopoly of the most odious kind. The journeymen mechanics might, by fixing their own wages, regulate the prices of all manufactured articles, and the community be enormously taxed. Should the journeymen bakers refuse to work unless for enormous wages, which the master bakers could not give, and should compel all the journeymen in a city to stop work, the whole population must be without bread. So of journeymen tailors, or mechanics of any description. Such combinations would be productive of derangement and confusion which certainly must be considered "injurious to trade." Such consequences would follow were such combinations universal. It is true that no great danger is to be apprehended on account of the impracticability of such universal combinations. But if universally or even generally entered into, they would be prejudicial to trade and to the public; they are wrong in each particular case. The truth is, that industry requires no such means to support it. Competition is the life of trade. If the defendants cannot make coarse boots for less than one dollar per pair, let them refuse to do so; but let them not directly or indirectly undertake to say, that others shall not do the work for a less price. It may be that Pennock from greater industry or greater skill made more profit by making boots at seventy-five cents per pair, than the defendants at a dollar. He had a right to work for what he pleased. His employer had a right to employ P. for such price as they had agreed upon. The interference of the defendants was unlawful. Its tendency is not only to individual oppression, but to public inconvenience and embarrassment.

I am of opinion that the offence is indictable, and that the judgment of the general sessions of Ontario county be reversed—*Venire de novo* to issue.

Copy opinion of the court.

J. L. WENDELL, state reporter.

#### LEGISLATURE OF PENNSYLVANIA.

In senate, February 26, 1836.

Mr. Baker, from the committee appointed to inquire and report the facts connected with an alleged attempt to corrupt the integrity and influence the vote of Jacob Krebs, one of the senators from the senatorial district composed of the counties of Berks and Schuylkill, agreeably to a resolution of the senate of Pennsylvania, made the following report:

Your committee entered on the inquiry intrusted to them with the deepest impression of its importance. For the first time, as far as your committee are informed, it was alleged upon the floor of the senate, by a senator, that an attempt had been made to corrupt his integrity and influence his vote. This assumed additional importance, from the circumstance that, previously to this disclosure, it had been proclaimed to the world in a newspaper conducted by gentlemen to whom had been committed the printing of the journals of the senate, and who might therefore, in some respects, be considered as

\*Here appears three small imperfections in our copy, and we fear to supply their places. ED. OF THE REG.

officers of this body. The article alluded to was headed, "The people are betrayed," "The arts of the bank have prevailed," and contained the following expressions: "We cannot express the feelings of deep humiliation and dread with which we proclaim the startling fact. And when we state that one firm democratic senator has informed us that offers of large sums of money were made to him if he would vote for the bill, it is to be feared that this monster has resorted to the exercise of a most unprincipled and corrupting influence." That this article contained no names, tended rather to excite than allay intense feeling; every senator felt that his character was involved, until a full inquiry had been instituted, and disclosure obtained. To effect this, the printers referred to, Messrs. Samuel D. Patterson and O. Barrett, were, pursuant to a resolution of the senate, brought to their bar, and there disclosed that their information was received from Jacob Krebs, esq. a senator from Schuylkill county.

Your committee did not esteem it their duty to proceed further with the examination of Messrs. Patterson and Barrett, nor do they deem it proper for them to point out any course of action for the senate in relation to these individuals; they, however, think themselves justified in expressing the most unqualified disapprobation of their conduct, standing in the relation which they hold to this body. The testimony, in their possession, is no justification of the course pursued by them, and does not sustain the charge against the United States bank, to which they gave such extensive publication, and which was calculated, if not intended, improperly to excite the feelings of the community.

Mr. Krebs, in his statement made to the senate on the 10th instant, having disclosed (and, according to the testimony, for the first time) the names of James L. Dunn, of Reading, and Henry W. Conrad, esq. of the house of representatives, as the persons who had endeavored to influence his vote, the committee ordered Mr. Dunn to appear before them, and, by a resolution of the senate and consent of the house of representatives, obtained the appearance of Mr. Conrad. These gentlemen being implicated by the testimony of Mr. Krebs, who was examined by the committee as a witness under oath, the committee called on them separately for such statement or defence as they might think proper to make. The committee also examined Mr. Burd Patterson, Jediah Irish, John Ulrich, William Hottenstein, Frederick Rinehart, Jacob Gehr, William Ermentrout and Benneville Keim, as witnesses. The statements of the parties implicated, and the testimony of the witnesses, together with the minutes of the committee, being herewith submitted, the committee deem it unnecessary to do more than give the conviction of their own minds, upon a full examination of all the facts and testimony adduced.

*First.* The committee believe that the United States bank did not, either directly or indirectly, attempt in any manner to corrupt the integrity or influence the vote of Mr. Krebs, and that the article contained in the Pennsylvania Reporter and State Journal, of the 9th instant, before alluded to, and all the other allegations to the same effect, are wholly unfounded and unsubstantiated by any shadow of testimony.

*Second.* The committee deem it inexpedient to express their opinion upon the conduct of Mr. Conrad, as he is a member of the house of representatives, and directly amenable to that body, and as they have no doubt but that house will adopt such measures as may be necessary to protect their own dignity, and that of the senate.

*Third.* As the character of Mr. Burd Patterson may be considered in some degree involved in the charges made, the committee think it right to say that all the testimony has satisfied them that he has in no manner attempted to corrupt the integrity or influence the vote of Mr. Krebs, and that his conduct, so far as it has been developed by the inquiry, is free from all suspicion of any dishonorable or improper act.

*Fourth.* The committee have examined with great care and much anxiety so much of the testimony as implicates Mr. James L. Dunn. It will be observed that there is some discrepancy between the testimony of Mr. Krebs and the voluntary statement or defence of Mr. Dunn. The committee rely implicitly in the veracity of Mr. Krebs, but, at the same time, they believe that the varying circumstances may be more nearly assimilated by supposing that Mr. Krebs (who, from his statement of the conduct of Mr. Conrad, appears to have been easily alarmed at any supposed approach to influence his vote) may have placed on the expressions of Mr. Dunn a more serious construction than they would properly have conveyed. Be this as it may, Mr. Dunn denies altogether that he had any intention or expectation improperly to influence the legislative action of Mr. Krebs; and the proof of the respectability of his character would lead the committee to confide in his statement. With every disposition to look at all that may extenuate the conduct of Mr. Dunn, and under the belief that he could not have deliberately intended or expected improperly to influence Mr. Krebs, the committee, notwithstanding, cannot withhold the expression of opinion that his language was highly improper, and deserving of their severe reprehension; they do not, however, recommend any further proceedings in relation thereto.

*Fifth.* It would be improper to close this report without some remark on the conduct of Mr. Krebs, a member of our own body, and of whom it is the disposition of the committee to speak with as much delicacy as their sense of duty will permit. They however deem it due to themselves to say that

they esteem the conduct of this senator very reprehensible in not immediately communicating to the senate what he believed to be serious attempts to corrupt his integrity, and influence his vote. Had this been instantly done, much of the excitement and unpleasant consequences which have ensued would have been avoided. They deem his course the more reprehensible, as Mr. Krebs communicated the circumstances in whole or in part, with the suppression of the names, to different individuals, and made them the subject of a letter herewith submitted, which was read at a public political meeting in Schuylkill county. To support the dignity of this senate is the imperative duty of all its members; and your committee regret to say that a review of the circumstances constrains them to believe that the senator from Schuylkill county, in the excess of perhaps well-intentioned, but certainly misguided zeal, to effect the defeat of a measure to which he was no doubt honestly opposed, has most unhappily failed in the discharge of this duty.

The committee, having terminated the inquiry with which they were charged, offer the following resolution:

*Resolved,* That the committee be discharged from the further consideration of the subject.

The Harrisburgh Intelligencer, says: "The committee appointed by the house of representatives, to investigate the conduct of Henry W. Conrad, a Van Buren anti-bank member of the house of representatives, for an alleged attempt to bribe Jacob Krebs, a Van Buren anti-bank member of the senate, to vote for the bill to repeal the state tax, made a report on Wednesday last, accompanied with the evidence. The report recommends, that Henry W. Conrad be reprimanded.

#### LEGISLATURE OF NEW YORK.

*In assembly—Monday, March 7, 1836.*

#### THE NEW BANK OF THE UNITED STATES.

Mr. Parker said he was about to present a petition on a subject which was as novel here, as were the circumstances which had called it out; and in doing so, he took occasion to tender his acknowledgments to the petitioners for having selected him as the medium through which to communicate to the house sentiments and views to which he could so heartily subscribe. The petition was from Ontario county. It was signed by about one hundred individuals, with some of whom he was acquainted, and he could say that they were among the most respectable in point of moral worth, capacity, commercial and agricultural enterprise. They asked the passage of a law, and that speedily, prohibiting the circulation in this state, of the bills of the bank of the United States, recently chartered by the legislature of Pennsylvania. Mr. P. went at some length into the policy of the measure, and the reasons which governed the petitioners, when with his consent, and on motion of Mr. Wilkinson, the petition was laid on the table with a view to an appropriate reference.

#### IN THE LEGISLATURE OF VIRGINIA.\*

The following is a copy of the "expunging resolutions."—

*Whereas,* the senate of the United States did, on the 28th day of March, 1834, adopt the following resolution: "*Resolved,* That the president in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both;" which resolution now stands upon the journal of the senate:

*And whereas,* the general assembly of Virginia regard this act of the senate as an assumption of power not warranted by the constitution, and calculated to subvert the rights of the house of representatives, and the fundamental principles of our free institutions:

*And whereas,* this assembly deem it their solemn duty again to reassert, in behalf of themselves and the people of Virginia, the right of the constituent to instruct, and the duty of the representative to obey or resign—therefore,

1. *Resolved,* by the general assembly of Virginia, That the senators from this state, in the congress of the United States, be and they are hereby instructed to introduce, and vote for a resolution, directing the aforesaid resolution of the senate of the 28th day of March, 1834, declaring, "that the president, in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both," to be expunged from the journal of the senate of the United States, by causing black lines to be drawn around the said resolution, as it stands on the original manuscript journal, and these words plainly written across the face of the said resolution and entry—expunged by order of the senate of the United States.

2. *Resolved, also,* That this assembly regard the right of instruction "as resting on the broad basis of the nature of representation," and one of the vital principles of our free institutions; and that it is the duty of the representative to obey the instructions of his constituents, or resign the trust with which they have clothed him, in order that it may be transferred into the hands of those who will carry into execution the wishes and instructions of the constituent body.

3. *Resolved,* That the government of the commonwealth be requested to transmit the foregoing resolutions to each of the

\*The matter that follows, though in type, was of necessity cut-off, in our last number. It is due to the record, however, that it should be inserted.

senators from Virginia, in the congress of the United States, with a request that they lay the same before the senate.

Agreed to by both houses of the general assembly. Feb. 20th, 1836. GEO. W. MUNFORD, C. H. D.

The following resolution, (says the Boston Daily Advertiser), "was adopted by both branches of the legislature of Virginia, and in the house of delegates, by a vote of 89 to 35, many of the same individuals voting for it who now vote for the resolutions to instruct the senators in congress, to expunge the vote of the senate. Why do they not, before giving this instruction to their senators, first vote to expunge from their own journal, their own offensive act? It can be only because it has not been demanded, by the individual who wields the power, and bestows the patronage of the government of the union. Such a reversal of their own solemn judgment, pronounced upon full deliberation and discussion, exhibits an instance of inconsistency," &c. \* \* \* "It is a vain attempt to efface the memory of a truth which cannot be reversed or forgotten, and which will be the more conspicuous on the page of history, in proportion as attempts are made to obliterate it."

"Resolved by the general assembly, That the recent act of the president of the United States exerting a control over the public deposits, by causing them to be withheld and withdrawn, on his own responsibility, from the United States bank, in which they had been ordered to be placed by the act of congress chartering the said bank, is, in the judgment of the general assembly, a dangerous and alarming assumption of power by that officer, which cannot be too strongly condemned."

"Such was the resolution of the house of delegates, last year! To have done what they ought, in consistency and fairness, this resolution of Virginia should have been first 'expunged!' It is fully as strong as that of the senate of the United States—it charges "a dangerous and alarming assumption of power— which cannot be too strongly condemned."

On the 3d of March, William C. Rives was elected a senator from Virginia, in the place of gov. Tyler, as follows:

*House of delegates.* A message was received from the senate, by Mr. Rives, stating that they have agreed to the joint resolution for the election of a senator of the United States, to supply the vacancy occasioned by the resignation of John Tyler, esq.

On motion of Mr. Wilson, of B. the house agreed to proceed to the execution of the joint order of the day.

Mr. Garland, of M. nominated William C. Rives, esq. of Albemarle.

Mr. Harris seconded the nomination.

Mr. Price nominated Joseph S. Watkins, esq. (but withdrew his nomination.)

Mr. McMullen nominated Mr. Price, but also withdrew the nomination.

Mr. Mallory stated that in voting for Mr. Rives, he must not be considered as thereby sanctioning the expunging resolutions. Reflection had confirmed him as to the propriety of his opposition to those resolutions. He believed a majority of his constituents preferred Mr. R. and that gentleman, apart from his connection with those resolutions, would be his own choice. He should, therefore, vote for Mr. Rives, with this disclaimer, which he thought it his duty to make.

Mr. Harley said he should vote for Mr. Rives, under a belief that his constituents desired the re-election of an administration senator.

After a good deal of debate, in which Messrs. Price, Holleman, Wilson, of B. Gregory, Witcher, Garland, of M. Watkins, Powell and Dorman, took part, the nomination was announced to the senate, and the vote was taken as follows:

*For Wm. C. Rives*—Messrs. Banks (speaker), Layne, Wiley, Miller, Wilson, of Bottetourt, Decamps, Turnbull, Mallory, Booker, Austin, Daniel, Samuel, Richardson, Hill, Vaughan, Smith, of Fauquier, Hickerson, Strange, Steger, Holland, Bowen, Davison, Watts, Watkins, Hall, of Grayson, Avent, Carrington, Coleman, Sloan, Nixon, Goodall, Harrison, Kincheloe, Fontaine, Holleman, Robinson, Neill, Hays, Straton, Harris, Taylor, of Matthews, Rogers, Garland, of Mecklenburg, Wiley, Morgan, Chapman, Ingles, Sherrard, Brown, of Nelson, Leland, Fitzgerald, Woolfolk, Almond, Adams, McCoy, Cackley, Hopkins, Carroll, Madison, Shands, Williams, Marteney, Nicklin, Moffitt, Conrad, Jesse, McMullen, Bare, Binker, Harley, Critchfield, Moncre, Hargrave, Gillespie, Gibson and Saunders—76.

*For Thomas W. Gilmer*—Messrs. Grinalds, Craig, Henshaw, Beubring, Stewart, Hunter, of E. Ball, Wether, Fleet, Taylor, of L. Benton, Clappine, Masters, Dorman, Jett and Brown, of P.—18.

*For John Tyler*—Messrs. Southall, Garland, Smith, of G. and Cook—4.

*For John T. Brown*—Messrs. Gilmer, Swanson and Botts—3.

*For Chapman Johnson*—Messrs. Drummond and Beard—2.

*For Joseph S. Watkins*—Messrs. Price and Hale, of F.—2.

*For George W. Wilson*—Robert Campbell—1.

*For Linn Banks*—John B. D. Smith—1.

*For Absalom Hickerson*—John M. Botts—1.

*For Thomas H. Benton*—G. Cuthbert Powell—1.

Mr. Rives 76, scattering 33.

Joint vote with the senate—Rives 95, scattering 41.

So William C. Rives, esq. was declared duly elected senator of the United States, to fill the vacancy aforesaid.

#### PROTEST IN THE LEGISLATURE OF VIRGINIA.

On the 11th of February, ult. the following protest was offered in the house of delegates of Virginia: We insert it by way of record.

Mr. Botts rose and said—Mr. Speaker: I must ask the indulgence of the house for a few minutes. The expunging resolutions have passed. We have had a long and arduous struggle, and the party with whom I have acted have sustained, I might almost say, an inglorious defeat, and we are compelled to submit. But one thing more is left for me to do; and that is, to carry out the design I intimated a few days ago on this floor—that of placing my protest on the journal of this house. It will be recollected, sir, that when I submitted my remarks on the expunging resolutions, I read in my place a protest, by way of argument, which I intended to offer, in the event that these resolutions should be adopted. That protest was thought by some to contain sentiments that might prove offensive and disrespectful to the house, which I did not design. I have, in conformity with the suggestions of some of my friends, reviewed that protest, and modified it, so far as to strike from it all that might be regarded as applicable to the members of this body, and retaining all that was justly applicable to the resolutions themselves. I am aware, Mr. Speaker, that there are one or two, or perhaps three, members of this house, who, from not being familiar with protests, regard it as a right belonging exclusively to the president of the United States. Such, I apprehend, is not the fact with a majority of this body, who, I trust, will recognize the right of any member to enter his dissent, and the reasons thereon, on the journal, to any measure of the body of which he may be a member, upon general parliamentary principles, recognized in every free government.

The protest is in the following words:

In the name, and on behalf of that portion of the people of this commonwealth, who have committed to my charge the preservation of their rights and their sacred honor, on the floor of this house, which it is my duty and determination, as far as in my power lies, to defend and preserve unscathed, and which I will, at the hazard of my life, restore as pure and undefiled as they came into my hands, finding all resistance vain, and all argument ineffectual in checking the fixed and unalterable determination of a majority which we have no means or power to control; and in the sincerity of my heart believing the instructions given to contain a requisition at war with the letter and spirit of the constitution, which will operate as a forfeiture of the dignity and character of this commonwealth; and regarding it as a measure altogether unworthy the ancient pride and dignity of Virginia, and it being manifest that it is calculated to carry out no question of principle or expediency beyond that of offering an oblation to executive power, and to force, by indirect, unprecedented and illegitimate means, the faithful representatives of this state from the seats which they occupy in the senate of the United States, by the voice of the people legally and constitutionally expressed, to be supplied from the ranks of a political aspirant, whose public history demonstrate the fact that he recognises no principle beyond that of promoting his own ambitious designs: I feel myself solemnly and imperiously called upon by every consideration of justice to my constituents and duty to my county, to enter my formal protest to the resolutions instructing the senators from Virginia in the congress of the United States, to introduce and vote for, a resolution directing the resolution of the senate, passed on the 28th March, 1834, declaring "that the president in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both," to be expunged from the journal of the senate of the United States; as carrying no authority with it, the act required being itself a violation of that constitution which we and they have alike sworn to support, and as being undignified, unstatesmanlike and humiliating.

I protest against it, as a measure originally emanating from an impure source, adopted now to answer an end not contemplated by the constitution, or sanctioned by the usage of the country, and alike disreputable to the intelligence and pride of this state, which the independent people of this commonwealth have not, and I trust in God, never will sanction by word, thought or deed.

I earnestly and solemnly protest against it as the act of a party, not constituting, as I think, a majority in this state; dominant here by accident, who cannot be justified in taking advantage of the brief authority with which they have been clothed, to carry into effect, their party views, by an indirection which I confidently believe will be reprobated and condemned by the great mass of the people of Virginia, when the violence of party spirit shall have passed away; and which I believe, will be a source of deep and lasting regret to its warmest supporters in this house, when their minds shall be freed from the trammels and shackles of party prejudice, and party passion, to which alone, I am willing to ascribe this most odious and detestable stain upon the fair fame of Virginia, as I will do them the justice to believe, that in the absence of all political excitement, such a measure could not have found a single advocate on the floor of this house.

My object in submitting this protest is, to present my objections to the measure in a more lasting and conspicuous form than can be done by a simple negative vote.