

# NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

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A large body of articles, prepared or in type, for the present publication, remains "over." We shall publish a supplement next week, to dispose of some of them.

We give an account of the riot that took place in the house of representatives on Sunday morning last, derived from various sources. They all partake more, much more, of a party character than we are accustomed to publish, and of one side, only, but generally agree in the main facts; and we have not seen any statement, drawn up by a friend of the other party. We regret this, and the whole occurrence. But the house relieved itself of a vast amount of censure on Tuesday—by referring the contested election back to the people.

Postscript. The great improvement bill, before the legislature of Maryland, was defeated on Thursday last, by a solitary vote! It is hoped that this is not final—and that it may be reconsidered this day, probably the last of the session.

We have news from Europe 12 days later than our last accounts. The most important matter related is the execution of Fieschi and some of his associates—which was peaceably effected in five minutes.

On Monday last, at 11 o'clock, Elias Glenn, United States district judge for the state of Maryland, Nathaniel Williams, esq. United States district attorney, the marshal for the district, and the clerk of the court, waited upon Mr. Roger B. Taney, at his dwelling, and accompanied him thence to the circuit court room. The court was then opened, when judge Glenn proceeded, in presence of many members of the bar, and a number of citizens whom the occasion had called together, to administer to Mr. Taney his oath of office as chief justice of the United States court and presiding judge of this circuit.

Elias Glenn, esq. has resigned his office of judge of the district of Maryland, and it is supposed that his successor will be Upton S. Heath, esq.

At a meeting of the whig members of the legislature of Maryland, held on the 23d ult. the nomination of gen. Harrison, as president, and of Mr. Tyler, as vice president, was concurred in, and col. Pratt and Thomas Burchenal were nominated electors on the part of the state at large.

The Globe noticing and denying the correctness of a report published in the New York Star, "that Mr. Kendall, the post master general, advocated a proposition to lend the states, pro rata, the whole of the surplus revenue without interest," adds the following very gratifying information:

"We know that Mr. Kendall fully approves of the plan in Mr. Grundy's bill, of employing a portion of the revenue in purchasing from rail road companies, the right for the government to use them for the transportation of the mail, and for all other purposes of a public character.

"Such a disposition of a part of the public money on hand, we are satisfied, would prove more serviceable to the country than any other application which can be made of it."

Hallahan, who was convicted of being engaged in the late riots of the stevedores and ship laborers in New York, and also of an assault upon Mr Brink, the police officer, was on Saturday sentenced to seven years imprisonment in the state prison. The other individuals concerned in the riots were remanded to the next term.

The bill to indemnify the heirs of Mrs. Jane White for losses sustained during the war-mob of eighteen hundred and twelve, has been passed, by the legislature of Maryland.

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Among other "accidents," we see that the steamboat Benjamin Franklin exploded, on leaving the wharf, on the 13th ult. at Mobile, with the following horrible results—

5 men killed,  
7 men missing,  
21 men wounded.  
—  
33 total.

The locomotive, with a train of cars, on the Lexington and Ohio rail road, when within two miles of Frankfort, from some unknown cause, was thrown off the track, and the passenger cars hurled down a high embankment, whereby two persons were instantly killed, another died shortly after, and ten or twelve were wounded—the car being dashed to pieces.

A great steamboat, the Randolph, was burnt to the water's edge, (with a valuable cargo), near Nashville. She had 350 tons of goods on board, among them 23 packages for the Hermitage, the property of the president of the United States, and large supplies from the eastern cities, for the merchants of Nashville. The total loss is supposed to have exceeded 200,000 dollars. Two or three lives were lost, in consequence of the accident.

Two persons, named Crockett and Russell, were recently executed within the prison yard, at Boston, for the crime of arson—which offence has assumed a fearful aspect in that city.

The legislature of Virginia adjourned on Thursday last week. It will be marked by the "expunging resolutions," which were passed by it.

The legislature of Mississippi adjourned on Saturday, the 27th of February, to the first Monday in January next.

The incorporation of many banks and rail roads were made during the session—in all to the amount of seventeen millions of dollars. One of the most important bills passed is that establishing a penitentiary.

The legislature of Virginia has voted, unanimously, swords to the son of the late lieutenant colonel George Armistead of the U. S. A.—the gallant defender of Fort McHenry—and to captain A. P. Valette, of the U. S. navy, for his good conduct in the battle of Lake Champlain.

From Louisiana we have, in answer to inquiries made, received information of the true amount of the existing bank capital of that state, as lately increased. It is not so much as seventy millions, heretofore reported. The nominal bank capital of this state is, however, fifty-six millions, of which thirty-two millions have been paid in. The whole circulation upon this great capital is but six millions of dollars—less probably than the amount of specie in the vaults of the same banks. [Nat. Int.

A storm is apparently brewing in Upper Canada—the people of the lower province have long been in a very "seditious" mood. The executive council have all resigned—because the "Algerine government," as it is called, that is the governor, "did not consult them in carrying on the government.

Died, at Washington, on the 22d ult. gen. Mountjoy Baily, in his 82d year—an officer in the revolution.

It is said that Mr. Wilkins, our minister at St. Petersburg, is about to return home, his fortune and salary

being too small to allow him to support the style and state of his brother ambassadors.

The brig Ark has arrived at the port of New York from London, has on board 1,788 bags wheat, 600 bags oats and 2,750 barrels flour!!!

*The burning of the treasury office.* The Baltimore Patriot of Saturday last, said—

For several months past, the treasury department has been in possession of information calculated to lead to the detection of the persons engaged in causing the destruction by fire, of the treasury office at Washington, about three years past. On Wednesday last a person was arrested in the city of New York, charged with firing the building with his own hands, hired to commit the act, as we have heard, by some of those who had committed frauds upon the pension office, which they wished to have destroyed, to screen their guilt. Other persons, we hear, before this, will have been arrested in the western part of New York, one in Vermont and another in Ohio. The person that was taken in New York was brought on yesterday in the steamboat line in charge of Mr. Blaney, the high constable of Philadelphia, Mr. Kelley, deputy marshal of Ohio, and Mr. Merritt, of the New York police. These officers left Baltimore this morning with their prisoner for Washington, where the trial is soon to take place.

And the National Intelligencer of Monday said—

It is now about three years since the destruction by fire of the treasury building, with the greater part of its contents. Never, perhaps, did so serious a public calamity, in any country, produce so little excitement, raise so little curiosity, or provoke so little censure of the government. The opposition press, slow to censure except where there is just ground for it, forbore accusation, because they saw nothing in the circumstances of the case to inculpate the administration. Of neglect of due care and precaution, there was sufficient evidence in the fact of the conflagration; but censure for that would have fallen upon subordinates, such as watchmen, &c. already sufficiently afflicted by the loss of their employments, and the censure was either withheld or sparingly bestowed.

Upon a vague suspicion of design being at the bottom of this fire, examination into the matter was made, by the proper authorities, at the instance of the executive; and, after full investigation, nothing appeared to justify the belief that the fire was not the result of accident.

Time, however, which is often the only test of truth to the senses of mortals, has disclosed circumstances which leave little doubt of this fire having been the work of a conspiracy of individuals, of whom some were directly, and others indirectly, instrumental in producing the conflagration. The matter has, we believe, been some time in the course of investigation; but, as secrecy was important to success in the pursuit of evidence and the criminals, we should have refrained from noticing it even now, were it not that the bringing to this city one of the persons implicated has been noticed in the Baltimore papers. Such an individual, arrested in the city of New York, arrived here on Saturday, in custody of several peace officers, and is now in confinement. Another, we have heard, is in confinement in Canada, and one or more others elsewhere. The evidence must be in some degree circumstantial. We have reason to think, however, that the whole inquiry will be brought to light and judicially established. The desire to destroy evidence in the public records will probably appear to have been the motive of this desperate action.

The N. Y. Courier and Enquirer, in speaking of the individual arrested on suspicion of having set fire to the treasury office at Washington, about three years ago, adds the following particulars:—

Since his apprehension, we understand, his wife has also been arrested in Sussex county, (N. J.) and a warrant granted by Judge Baldwin, at Philadelphia, to which city she has been conveyed for examination touching her knowledge of the affair. Three months since we were informed of all the circumstances connected with this business, but under an injunction of secrecy which prevented our giving them to the public as the injunction has not yet been entirely removed, we are only now at liberty to state, that three persons were concerned in the crime, to which they were instigated by an individual filling a high station in society, Judge Temple, whom our readers may recollect, committed suicide by shooting himself at his residence, in Rutland, Vermont, in consequence of a discovery having been made that he had defrauded the United States treasury to an immense amount, by means of forged claims for revolutionary pensions.

Finding that his fraud must inevitably be discovered, he engaged these persons under a promise of a large reward, to commit the arson, in the hope that the fire would destroy every trace of his guilt. In this, however, he was disappointed; the most valuable papers and vouchers of the treasury department were rescued from the flames, and amongst them the proofs of his delinquency.

Upwards of a year ago one of the incendiaries was arrested at Syracuse, in this state, by Mr. G. Finch, a police officer of Newark, N. J. on a charge of forgery committed on three of the banks at Philadelphia: but on his way to that city he con-

trived to elude the vigilance of the officer and made his escape. Knowing, however, that he must eventually be retaken, he made a virtue of necessity and voluntarily surrendered himself, under the hope of pardon, to secure which, he communicated to the police all the circumstances in relation to the burning of the treasury office at Washington, admitting that he was *particeps criminis*, and through his exertions, the actual incendiary and his other accomplice have been apprehended, and are now on their way to Washington.

The frigate *Constellation*, and the sloop of war *St. Louis*, came up from the navy yard on Wednesday last. We understand the sloop of war *Warren* will sail in a few days. Her present destination is Key West, at which place she will remain some time. It is very unfortunate that at this moment the government cannot command the services of a few small armed vessels, of a light draught of water, to cruise among the islands, bays and inlets of the peninsula. It was understood some time ago that the revenue cutters had been placed under the direction of commodore Dallas for this purpose. This appears now not to be the case; indeed, it is questionable whether they are suitable craft for such a service. They are generally sharp, and draw too much water; still, however, they might be employed to great advantage in cutting off all intercourse between the Indians and the fishermen of the West Indies, as well as in transporting troops from point to point along the peninsula. [*Pensacola Gazette, March 12.*]

The Baltimore Transcript of March 26th, says—

The detachment from the different military companies which left the city yesterday, under command of capt. Willey, for the scene of disturbance on the Susquehanna rail road, returned to the city last night. The cause of the disturbance, as stated yesterday, was a refusal on the part of some of the laborers to work without an advance of wages. They attempted also to prevent others who were satisfied with their wages from working. The result was a fight between the two parties. About 30 were taken prisoners; but on examination before a magistrate all were discharged except three. Two of these gave security for appearance, the other was brought to town and committed. The statement yesterday, that they had commenced tearing up the rails, proves to be incorrect.

There is much trouble in several of our large cities and manufacturing towns. The journeymen have had their *strikes* for higher wages—limiting them chiefly, or solely, by their own will—and the employers, in some instances, have associated and refused to give work to any persons belonging to a "*Trades' Union*," and even in some branches which have been free from "*strikes*"—that the workmen might not obtain the means of supporting one another. If these things are proceeded in, we must expect a serious arrest in the creations of wealth, and short supplies of articles produced by labor.

A deputation of twenty-seven Ottawa and Chippewa chiefs and delegates are now in Washington, for the purpose of treating for the cession of their lands within the state limits of Michigan. They have been kindly received by the president, who has referred the subject of their business to the secretary of war. We understand the portion of country which it is proposed to purchase, is of high value, and that it is probable a cession of it may be obtained on terms advantageous to them and to the United States.

We learn from Galena that *John B. Smith*, who shot Woodbury Massey, at Dubuque's mines, last fall, and whose case was dismissed by a late circuit court held at Mineral Point, for want of jurisdiction, was shot down in Galena on the 13th ult. by Henry L. Massey, a younger brother of the deceased. Smith lingered a few days and died. Massey had left the country.

The Boston Traveller of Friday says, "the premium paid yesterday for the boxes at Tremont theatre, beyond the regular price, was the unparalleled sum of \$1,241 50. It was the farewell benefit of Mrs. Wood."

It is said that the object of Mr. *Jaudon*, in visiting Europe, is to dispose of the obligations which the bank of the United States has received, from various institutions in the different states, for the sale of its branches. It is calculated that the bank may realize a premium upon these obligations, and that *twenty millions* of dollars will be brought into the country by the operation.

Mr. *Leigh*, in his speech at the late Richmond dinner, mentioned a curious circumstance, which must not a

little embarrass Messrs. Benton, &c. The resolution of the senate, as it happens, is part on one page, and part on another. It had been proposed, he said, to get over the difficulty, by writing *Es-* on one page, and *Punged* on the other! The announcement "set the table in a roar."

The bribery "humbug" that was hatched at Philadelphia, (in which gen. *Kreps*, of the senate, and a Mr. *Conrad* of the house figured so famously), has been brought to a close—as follows:

*Harrisburgh, March 26, 1836.* After some preliminary business, the house by a large vote, directed the speaker to reprimand Henry W. Conrad; whereupon Mr. C. rose, took his hat and walked out. Mr. McGiffin then moved that the sergeant-at-arms arrest Mr. C. instantly, which was carried unanimously.

With no little difficulty the sergeant-at-arms found Mr. Conrad, and brought him before the house for a reprimand. Conrad took the centre of floor, and told the speaker he wished it understood that he had been brought there by force. The speaker replied that he had heard the gentleman, and then delivered his reprimand. It was an excellent article, well written, strongly pointed, and extremely severe. Conrad winced, trembled, and turned, first to one side, and then to the other, and bit lips violently.

When the speaker had finished, Conrad asked if he was still in duress. The speaker replied, "the gentleman from Schuylkill can now take his seat as a member of the house." Conrad made no answer but walked out. The house have ordered the reprimand to be printed. Thus ends the bribery and corruption affair. [Phila. Herald.]

Another account says—

The speaker then called upon Mr. Conrad, and informed him, that the house had made it his duty to reprimand him. Mr. Conrad rose in his seat, and declared he never would be reprimanded and took his hat and left the hall.

Mr. McGiffin moved that the sergeant-at-arms bring him back instantly, which was agreed to *nem. con.* No sooner said than the sergeant-at-arms left the room, and the members flocked to the windows to see the *fun.* Conrad made sail for the land office, where he was overtaken by the fast running sergeant, and he hove too. He ran upon his toes, and declared with great energy that he never would be taken; but the *pertinacious* officer gives him directly to understand that he must weigh his anchor, and sail back, and take in more cargo. "Sir," said he, "you must come, for I am told by the speaker to take you." He paddled back, with great speed, and did not stop until on the floor of the house, when he called the speaker to notice that it had been done by force! The speaker then pronounced one of the severest reprimands I ever heard, when Conrad again left the house. He has brought suit against the speaker and sergeant-at-arms.

The report on the case, and the reprimand shall be published.

The Albany Advertiser says, there is a search making for the heirs of *Hugh, John and Daniel Mosher*, in this country, to whom an estate of 32 millions has recently descended in England.

*New Orleans, March 10.* Some of the hands on the new canal had a quarrel with the sailors on board of the schooner *Napoleon*, lying at the Julia street basin, on Tuesday; a fight between them was prevented by the interference of the captain—but yesterday morning they watched the departure of the vessel, and when she had gained the bridge, they seized her hauser, drew her to the shore and began beating the crew; one sailor escaped with some injury, and brought the news to the city. The city marshal went in pursuit of the rioters, but was drove off. It was reported that three men had been murdered; but we were unable to obtain any positive information. We understand that a part of the legion were ordered out to assist the police in apprehending the criminals.

*March 11.* The hands on board of the schooner *Napoleon*, who were assaulted by the laborers on the new canal on Tuesday, were only *kilt*, not killed. They are, we understand, in the hospital, very badly injured. Some means should be devised to put a stop to the outrages so frequently committed by this kind of gentry. [True American.]

The "National Intelligencer" of Tuesday last says—

The senate, it will be perceived, yesterday voted, by a large majority, to fix upon the 23d of May for the termination of the session. It was a saying of the famous *Sam Patch*, we believe,

that "some things can be done as well as others." It is upon that principle, we suppose, assisted by a very natural anxiety on the part of the members to escape to their homes, that the senate has come to the conclusion that it will be possible to get through the mass of business upon the table of congress within less than sixty days. Most sincerely do we wish, however, that they may be able to accomplish an object so laudable and so desirable.

**LATEST FROM ENGLAND.** The packet ship *Francois I*, from Havre, via Plymouth, has arrived at New York, bringing London dates to the 15th February.

M. *Somonosoff*, first secretary of the Russian embassy at the court of St. James, had been appointed minister to the United States, and would soon sail direct for this country.

Lord *Brougham* is still in feeble health, at his seat, *Brougham Hall*. He does not, it is said, immediately contemplate the resumption of his parliamentary duties. In case of a division of the chancellorship, the present chancellor will be chancellor in equity, lord *Denman* speaker of the lords, and sir *Jno. Campbell*, chief justice.

The future king of Portugal, accompanied by prince *Augustus*, of *Saxe Cobourg* and count *Lavrado*, arrived at Brussels on the 9th.

Nearly all the English and French journals are excluded from the Russian reading rooms.

A new treaty of commerce is spoken of between England and France.

The emperor of Russia has confiscated more of the Polish estates.

There has been another battle between marshal *Clausel* and *Abdel Kader*.

*Paris, Feb. 13.* It is now suspected at the Tuileries, where the elopement has given much displeasure, that prince *Charles of Naples* and *Miss Smith* have sailed for the United States. In their flight the prince has assumed the name of Mr. *Richard O'Connor*, and his fair companion that of Mrs. *O'Connor*. There is with him a genuine Mr. *O'Connor*, whose family has been since desired to quit Naples. A courier, who is also of the party, goes by the name of Mr. *Archibald O'Connor*. It is said that lady *S*—, well known in your fashionable circles, has had a prominent share in this love affair, and that *Miss Smith* must have obtained a mighty sway over his highness of Padua, if she could have prevailed upon him to venture across the Atlantic. [Morning Post.]

Saturday and Sunday's proceedings in the house of representatives are briefly noticed under the congressional head, as being, perhaps, the most disorderly and disgraceful of any that ever happened in that too often *apropos* body. The session lasted until half past four on Sunday morning. We promised some further notice of it, and select the following—as affording the best sketches of it that can be obtained; and it is only a sketch, the reality having gone far beyond it. But the history deserves a record—and a one-sided one is all that can be had. It is remarkable, that the main points are agreed in, by the several accounts.

From the *National Intelligencer* of Monday last—

We need only to direct the reader's attention to the reporter's minutes of the proceedings of the house of representatives on Saturday last. On Saturday, did we say? The sitting extended to more hours on the Sabbath morning than the house usually sits on week-days. And all for what? Why, in a case purely judicial, to prevent one of the parties from taking testimony which he is ready to make oath will indisputably establish his right. Was such a thing ever before heard of? Which may be answered by another question: Did it ever before happen that, on the eve of a presidential election expected to depend upon the house of representatives, the seat of a member was contested, by ousting whom, the vote of an entire state, and by that means possibly the aggregate vote of all the states represented in the house, would be changed?

From the *Baltimore Chronicle* of Tuesday.

We have, heretofore, intimated, that the members of the house of representatives were spending their time most unprofitably to the nation, if not disrespectably to themselves. The scenes which occurred in the house on Saturday night and Sunday morning last, confirm our impressions, and indicate that the greatest service the members could render to their country would be to adjourn.

The North Carolina contested election was the exciting subject on the above occasion. It is a war waged against the sitting member upon party grounds, as, by ejecting him, it is hoped to obtain the vote of North Carolina for Mr. *Van Buren*, should the election go to the house. \* \* \* \*

It is an evil that the house is so numerous. A smaller body would act with greater promptness and less quarrelling. But the propensity to make long speeches upon every trivial occasion, is a greater evil. This might possibly be remedied by limiting the sessions of congress—for it is notorious, that, at the long sessions, nearly three-fourths of the time is consumed in the declamation of demagogues, upon subjects foreign to legitimate legislation. Our house of representatives begins to resemble the national assemblies of revolutionary France, in in-

decent denunciations, abusive epithets, and noise and confusion. The national character is degraded by such proceedings, and they should be condemned by the press and by the people, without distinction of party. Brawling babblers should be silenced, or lashed into respectful deportment, and the business of the nation should be prosecuted. It is with the people to control their representatives, and we hope that the latter will be taught that, to secure public favor they must deserve it by an honest discharge of their duty.

The *Washington Telegraph* of Tuesday says—

At about twelve, Mr. Lawler moved an adjournment, because it was the Sabbath. Upon this the ayes and noes were ordered, and upon Mr. Adams refusing to vote, Mr. Wise reported him to the chair. Mr. Polk quoted precedents where the house had sat on the Sunday. Mr. Adams said they were not analogous—then great national concerns were before the house, and congress was on the eve of a final adjournment, and the good of the country demanded the departure from the general rule and custom of the house; now it was engaged in a subject that could easily be postponed, and it was improper thus to urge the question upon the Sabbath.

Mr. Beardsley moved that the gentleman from Massachusetts be excused from voting, because of the reasons he had given.

This roused up the eagle of Massachusetts. He was in a terrible rage. He did not want the house to excuse him—he would not vote, unless the house said explicitly that it had control of the consciences of members. "He had a conscience, Mr. Speaker, but he did not appeal to it every day."

Mr. Peyton, of Tennessee, now rose and threw out his grappling irons upon the unfortunate attorney general of N. York. He ridiculed his conscience. That gentleman had on the "last night" of last session voted exactly as Mr. Adams refused to do, and now forsooth he was for spreading the mantle of his conscience over the honorable member from Massachusetts. The attorney seemed conscience-stricken, and looked pale as a winding sheet.

Mr. Bynum, the gentleman who has been dubbed the champion of the majority, thundered forth in succession to Peyton. He knocked the poor minority about the head until Wise could stand it no longer, and finding a giant employed in boxing the ears of his friends, deemed it expedient to stretch forth his arm and lash the greater body; and he laid on in fine style, I should say. He told them they were not questioning the right of the sitting member, but were only waiting the opportunity to eject him from the house—to turn him out. He gave the party a terrible scoring indeed; so much so, that the target took it all as personally directed to himself; and when Mr. Wise had finished, he (Mr. Bynum) rose in a wrath that shook his sides and beat against his heart, like the lava of Vesuvius against the ribs of its mountainous prison. He brandished his arm and fist attached thereto, high in the air, and proclaimed in a voice like a lion's that the gentleman from Virginia, tho' he was a bully, should not bully him.

Wise rose, and leaning over and looking as if he was seeking for some object of very diminutive size, "I bully that gentleman, Mr. Speaker. Why, sir?" (smiling), "I would as soon think of bullying a fly."

Scoundrel! screamed Bynum, moving from his seat. The house was as still as death, when Wise again rose, calmer than ever, as collected, and looking towards the gentleman from North Carolina, said—"you are a rascal—a pitiful and contemptible puppy."

Here great cries of order rose from the fully awakened members, and when comparative peace was restored, general Mercer of Virginia, rose to explain the circumstances that had gradually led the two gentlemen to their present painful point. He said that the member from North Carolina had mistaken the object of his colleague (Mr. Wise) who, in characterising the majority of the house, certainly did not mean to level his remarks personally to the gentleman. That he had seen them in social conversation a short time before, and they could not intend deliberately to characterise each other with the epithets used between them.

Several other gentlemen followed Mr. Mercer in his attempt to restore peace and tranquility between the antagonist parties. And upon motion, the house unanimously imposed upon the two members its solemn injunction to lay their animosity aside, and remember, what they seemed to have forgotten, that they were members of the congress of the United States.

General Thompson, of South Carolina (the brave and the generous, and ever the first to heal the quarrels of others), proposed that if neither member objected to this process of the house, it would be a tacit pledge that they would not prosecute the difficulty farther, it evidently having arisen from the high and painful excitement of party feelings, without any predisposed intention of insulting each other.

Neither member objected. Then Bynum rose, and said that he certainly had applied the remarks of the gentleman from Virginia as personal; and having found that it was an erroneous impression, he regretted (or some such qualifying word) that he had used offensive language to that gentleman. Mr. Wise spoke upon the subject, and having reviewed the whole (bully) had been applied to him, which he despised, and which none should make to him without receiving the proper re- sponse. He did not deserve it, and would never, here or elsewhere, permit it to be used. He then made proper and manly explanations.

\* \* Never was there such a scene—never one so disgusting in all its details.

A correspondent of the *Baltimore Chronicle* of Wednesday, has a long letter on this eventful night—we make a few extracts:

But still Mr. Graves, of Kentucky, went on, cutting up the arguments of Bynum, Hawes and Hamer, who preceded him, and lashing the party in general, in capital style. Some of the more respectable of the administration party began to grow tired and disgusted—perhaps too, they felt they had burned their own fingers. General Mason, of Virginia, tried an appeal to the sympathies of his allies. He said the sitting member was indisposed—that he wished to address the house; and therefore he hoped the rules would be suspended so as to make this subject the special order for Monday. He thought his friends would have compassion for a sick man, whose rights were at stake. He was mistaken. The motion was rejected by a clamorous chorus of noes. Graves went on. Several motions more were made to adjourn and successively rejected. Graves went on, and evinced a spirit and energy unexhausted and inexhaustible. He bore himself nobly. Some time afterwards, Mr. Garland, of La. repeated the motion made by Mason. It was clamored down! Graves proceeded. He had occasion to refer to a document as an integral part of his argument, and, as is usual, sent it to the chair to be read. The chair said it should be read, if not objected to. Some voices raised a cry of "object!" "object!" "The chair—"It is objected to." Graves, with great energy, "let the objector rise in his place." Up sprung Cambreleng, and, "I object, sir."

Graves, with immense vehemence, "I am glad the gentleman has shown himself, and let the eyes of the house and the country be fixed upon him!" "Order! order!" was here cried out from various parts of the house—but Graves was not to be arrested by this obstacle. He asked a suspension of the rules, and Cambreleng could not get a majority to follow him into the mire of party meanness, into which he had himself plunged, with so much alacrity. Permission was given, and the document was read. Graves went on! The minority were in high spirits—the majority had become fierce and savage, and more determined not to break up without consummating the immolation of their victim. Our glorious little band beat them in their tactics. Graves suddenly and unexpectedly gave way; and before a single man of the party could get up, Mr. Calhoun, of Ky. obtained the floor, and was in full sail on the current of debate. The party were equally enraged and astonished at this feat—so much so, that when Mr. Calhoun yielded temporarily for an adjournment, which motion was negatived, Cushman, of N. H. a P. Q. [previous question] man, contested the floor with Mr. Calhoun, and moved the previous question! The chair declared Calhoun to be in possession of the floor. Cushman adventured so far as even to appeal from the decision—but there were immediately so many murmurs of "too bad! too bad!" from the more respectable of his associates, that he withdrew his appeal.

Mr. Mercer next arose and began an argument against the continuing the sitting on the Sabbath, when he was assailed by those indecent shouts of "order!" "order!" which had been already heard so frequently. Mr. Mercer paused and looked upon the noisy rabble with an expression of infinite disdain. "I am in order! I am about to submit a motion that the gentleman from Massachusetts be not required to vote; and as my remarks are pertinent and proper, I shall not submit to be interrupted thus." He was again interrupted by the noise in the hall. I know no way to indicate it, except by calling it howling. Mr. Mercer raised his voice high above the discordant cries. "I am here to protect a friend from oppression, against most unparalleled and monstrous injustice. I am not for leaving the hall. I will spill my blood on this floor before I will stir an inch, so long as I can be of service in protecting his rights." He then referred to Graham's application for further time, so that he might address the house—his sickness and agitation of mind; spoke severely of this wanton and unprecedented violation of the Sabbath, and concluded with moving to adjourn. This motion was lost of course. Mr. Bynum then took the floor, and commenced to assail the minority in the fiercest manner. He denounced their conduct in opposing the majority so strenuously, as revolting! monstrous!! tending to revolution and rebellion!!! He continued in this strain some time, becoming more and more vehement. At last, he wound up with the assertion, that if the minority should persist in their efforts, the majority would be obliged to call in the aid of the military at the disposal of the executive, to support their decrees.

So: the last reason of kings is to be among the first with the democratic party of America. Shades of Sidmouth and Castle-reagh, hide your diminished heads. We have men calling themselves republicans and democrats, who have it in their breasts to beat your tyranny and bloody proscription quite out of the field.

Can it be wondered at, that after such a declaration from a man speaking the sentiments of the majority, the minority should feel that their rights were not to be trampled under foot, crushed, ridden over by system. Such, doubtless, was the feeling of our gallant and independent band. Their free spirits rose against this monstrous arrogance and injustice. They soon found a voice in one worthy to speak for freemen—Henry

2. *Wise.* He rose and in his very first sentence, was most forcible and eloquent. He denounced the conduct of the majority for sitting on God's holy day to do an unholy act! "Why," he continued, "are you here after three o'clock in the morning, but to prostrate yourselves at the footstool of power? Why are you here, sir? I will tell you sir! The order has come, you must do your work quick. We do not want you here. Push through your appropriation bills therefore and go home. Some of you speak too many plain truths! Sir, has it not been said in a high quarter, that our chairman of ways and means had better put on petticoats and go back to New York, if he does not get tough the appropriation bills more quickly?"

*The speaker.* "Order, the gentleman's remarks are irrelevant."

*Mr. Wise.* "I will try and be mindful of irrelevancy. I will remember the word to the day of my death. It cannot be disguised, that the work is to be done! And Sabbath is no reason at the palace for not servilely sitting to do that work."

He then proceeded to comment on the language used by Mr. Bynum towards the minority. He repelled that gentleman's charges—reminded the house of the maxim, that majorities may vote and minorities debate—and protested against the terms used towards those who resisted power. Mr. Wise then assumed a still bolder tone. "But," said he, "while you have this unjust, tyrannical, relentless majority, it is also the most imbecile, and most drivelling majority that ever disgraced this country."

Here Bynum rose and called Mr. Wise to order—and now commenced a personal scene, which it is impossible to think of without pain—but which naturally grew out of the conduct of the majority. Mr. Wise admitted he had indulged in considerable latitude of remark, but since the speaker had allowed the gentleman from North Carolina to go so much out of the question, he thought it extraordinary that so *orderly* a person should interpose. Here Bynum sprung up in infinite wrath, and again called him to order; proceeding to speak himself with earnestness, and also the incoherence which passion gives to some men. I understood him to say he would not be reflected upon—that he had not alluded to Wise, and he (Wise), might bully others, but should not bully him, that he was ready for him here or elsewhere. All this was said with the most bravado air imaginable.

Now, in order to understand the effect of this upon Mr. Wise, it is proper to mention, that attempts have been made in certain quarters, to produce the impression that Mr. Wise was bold to attack some men, but afraid of others. An article appeared a short time ago in a Virginia paper, directly impugning his courage, and pointing Mr. Bynum as a person who would answer to a call from him at any time. Many of the "party" have repeated it here. I have heard it banded about from one to another. Was it not natural for Wise, in a moment of excitement, to leap at once to the conclusion, that this person had been pushed on to urge him to a quarrel? Such I doubt not was the thought that flashed across his mind. He was roused, too, by the epithet bully—odious to every honorable mind. He replied in a tone of infinite contempt, "The gentleman talks of my bullying him—I would as soon think of bullying a fly!"

Bynum again called him to order: Wise demanded that the words should be taken down. Bynum repeated something like them, but with an abatement of the enlivening—he did not repeat the contemptuous phrase. Wise denied his version was correct, and repeated the words as I have given them. Bynum grew more angry than before. He actually raved, this time. "Order!" cried the speaker! rap! rap! rap! "order!" "order!" shout the members—but Bynum went on—the uproar and confusion became immense—the speaker vociferating to quell it—but in vain. Bynum talked louder and louder of Wise bullying others but not bullying him—he would not be insulted—the gentleman might call upon him out of the house—all this amidst the yells of "order!" Now, Wise seeing Bynum assume this attitude cut him short at once, by clenching his fist, shaking it directly at him, and saying in a deep forcible tone—"You d—d little rascal!"—those only in the immediate vicinity heard this—Bynum, immediately cried at the top of his voice, clenching his fist—"You d—d scoundrel!" repeating the words two or three times amidst the greatest uproar. Both the members rushed towards each other but were held back by their friends. The speaker—who had endeavored in vain to quell the commotion—said he would call in the aid of the sergeant-at-arms, and threatened to leave the chair. A motion was made to adjourn, and a majority of voices sustained it, but Mr. Mercer implored the house not to adjourn in the present state of feeling.

Most fortunately they did not. Had they adjourned, I fear blood would have been spilt before day-break. Nay, if there had been a general contest terminating in the forcible expulsion of one party from the house, and the breaking up of congress, it would have been quite in character with the monstrous doctrines and practice of the majority during that day.

Mr. Mercer addressed the house, and Bynum and Wise, particularly, in the most feeling and impressive manner, and called upon them to give pledges to the house that they would not pursue this matter farther. Several other members added their solicitations to the same effect. After some further proceedings, Mr. Bynum and Mr. Wise both explained, and the matter was adjusted.

A CARD.

We have seen with regret, that the unpleasant altercation between Messrs. Bynum and Wise has found its way into the newspapers. We will not do any thing that may in any way revive the unpleasant feelings which that controversy excited; we therefore forbear to give any of the details of that unpleasant scene. But as we have been referred to as having had some agency in its amicable adjustment, we take pleasure in expressing our own opinion, and as we believe, the unanimous opinion of the house, that both the gentlemen referred to behaved throughout with the most high spirit, and that it was adjusted to the perfect honor of both parties—more so indeed than if either had attempted to press it farther.

RH. M. JOHNSON,  
C. F. MERCER,  
WADDY THOMPSON,  
FRANCIS THOMAS.

March 31, 1836.

—♦♦♦♦♦  
TWENTY-FOURTH CONGRESS—FIRST SESSION.  
SENATE.

March 25. After other business—

The resolution offered yesterday by Mr. Calhoun was taken up and considered, and a discussion ensued, in which Mr. Calhoun, Mr. Shepley, Mr. Benton, Mr. Clayton and Mr. Walker took part.

Mr. Shepley moved to lay the resolution on the table.

Mr. Calhoun asked for the yeas and nays, which were ordered.

The question was then taken on the motion to lay the resolution on the table, and decided as follows:

YEAS—Messrs. Benton, Cuthbert, Ewing, of Illinois, Hendricks, Hill, Hubbard, King, of Ga. King, of Ala. Linn, Morris, Nicholas, Niles, Rives, Robinson, Shepley, Tallmadge, Walker, Wall, Wright—19.

NAYS—Messrs. Black, Calhoun, Clay, Crittenden, Davis, Ewing, of Ohio, Kent, Knight, Mangum, Moore, Robbins, Southard, Swift, Tomlinson, White—15.

On motion of Mr. Clay, it was ordered that when the senate adjourns, it adjourn to meet on Monday.

The bill for the relief of the corporations of the District of Columbia having been read the third time,

Mr. Morris asked for the yeas and nays, which were ordered.

The question was then taken on the passage of the bill, and decided as follows:

YEAS—Messrs. Clay, Crittenden, Cuthbert, Ewing, of Ill. Ewing, of Ohio, Kent, King, of Alabama, King, of Georgia, Linn, Nicholas, Porter, Preston, Rives, Robbins, Southard, Tallmadge, Walker—17.

NAYS—Messrs. Black, Calhoun, Hill, Hubbard, Morris, Niles, Shepley, Swift, Tomlinson, Wright—10.

So the bill was passed, and sent to the house of representatives for concurrence.

The bill to authorise the Bloomingdale and Leavenworth rail road company to construct a road through the public lands, was taken up, amended, and ordered to be engrossed for a third reading, and the bill was ordered to be printed in its amended form.

On motion of Mr. Ewing, of Ohio, the senate proceeded to consider the bill to extend the time for issuing scrip certificates on U. States military land warrants. After some discussion,

Mr. Clay moved a proviso, limiting the amount of lands to be granted by this bill to 20,000 acres.

The amendment was agreed to, and the bill was ordered to be engrossed and read a third time.

After some time spent in consideration of another bill concerning lands, the senate, without concluding, adjourned.

March 28. After the presentation of petitions, &c.

Mr. Morris, pursuant to notice, asked and obtained leave to introduce a bill to reduce the price of the public lands, &c.; which was read a first time, and ordered to a second reading.

Mr. Southard offered the following resolution; which lies over, under the rule, for consideration:

Resolved, That the postmaster general be directed to report to the senate whether the cause of the discrepancy of \$40,470 91, stated in the report of the accountants to the committee of the senate, dated March 30, 1835, as then existing in the accounts of the treasurer of the general post office, has been discovered, and the said accounts finally adjusted; and if so, further to report the cause of the said discrepancy, and who was the occasion thereof, and whether the balance, if any, has been paid.

Mr. Clayton earnestly called the attention of the senate to the bill on the files to establish a territorial government in Wisconsin, and moved that the senate do now postpone all the previous orders for the purpose of taking up that bill. He proceeded at some length to explain the importance of speedy action on this subject, and in the course of his remarks, urging the action of the senate, he observed that there was now no law to restrain, punish or prevent crime in that part of the territory not embraced in the act of the 30th of January, 1823, to provide for the appointment of an additional judge for the Michigan territory.

The committee on the judiciary had recently received intelligence that, for want of law to punish these murderers, one of them had been a few weeks since deliberately shot down in the public streets of the town of Dubuque, and was dying when the person who communicated this intelligence was writing his

letter. [The delegate of the territory, who was standing near, observed that he was since dead.] Mr. C. observed that congress ought not any longer to permit this state of things to exist. One of the largest and most fertile portions of our country was, by the neglect of congress, permitted to remain the scene of lawless violence, where private vengeance was the substitute for public justice. Let us act on this subject, therefore, sir, (said he), promptly, and if we do our duty towards this noble territory, the day is not distant when it will be made to appear, (as the committee which reported this bill has already declared), that it is capable of supporting the population of an empire.

Mr. Clayton's motion was then put and carried, and the bill was taken up for consideration.

When Mr. C. concluded, the amendment he offered was adopted by the committee of the whole, and the bill was then ordered to be endorsed for a third reading without a division.

The joint resolution, fixing on the 30th of May as the day for the adjournment of the two houses, was taken up.

Mr. King, of Alabama, moved to lay the resolution on the table, but withdrew his motion.

Mr. Crittenden moved to strike out the 30th, and insert 20th. Mr. Mangum called for the yeas and nays, which were ordered.

After a brief discussion, Mr. Clayton moved to lay the resolution on the table; which was negative—yeas 11, nays 30.

The question was then taken on the motion of Mr. Crittenden to strike out "30th," and insert "20th," and decided as follows:

YEAS—Messrs. Black, Calhoun, Clay, Crittenden, Ewing, of Ill. Hill, Hubbard, King, of Geo. Knight, Leigh, McKean, Mangum, Moore, Morris, Nicholas, Porter, Prentiss, Preston, Rives, Robinson, Southard—21.

NAYS—Messrs. Benton, Buchanan, Clayton, Cuthbert, Davis, Ewing, of Ohio, Grundy, Hendricks, Kent, King, of Ala. Niles, Robbins, Ruggles, Shepley, Swift, Tallmadge, Tomlinson, Walker, Wall, White, Wright—21.

The chair gave the casting vote in the negative.

Mr. Clay moved to amend the resolution by striking out 30th, and insert 23d, and asked for the yeas and nays, which were ordered.

The question was then taken on this proposition, and determined as follows:

YEAS—Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing, of Ill. Ewing, of Ohio, Hill, Hubbard, King, of Georgia, Knight, Leigh, McKean, Mangum, Moore, Morris, Nicholas, Porter, Prentiss, Preston, Rives, Robinson, Southard, Swift, Tomlinson, Walker, Wall—23.

NAYS—Messrs. Benton, Buchanan, Cuthbert, Grundy, Hendricks, Kent, King, of Ala. Niles, Robbins, Ruggles, Shepley, Tallmadge, White, Wright—14.

So the blank was filled with the words "Monday, the 23d of May."

The resolution, as amended, was agreed to—yeas 34, nays 8. Mr. Clayton stated that as the expunging resolution had been laid on the table at his suggestion, he would now move to take it up for consideration, as the senator from Virginia (Mr. Leigh) was then in his seat.

The motion was agreed to, and the resolution being under consideration,

Mr. Rives addressed the senate at length, in support of the resolution, and in reply to the senator from Louisiana.

Mr. Leigh said he would reply to his colleague; and unless any other gentleman wished to proceed, he would move that the resolution, the discussion of which he had not anticipated as likely to come on during his absence from his seat, should be laid on the table, promising to call it up as soon as he should have had time to examine the authorities.

The resolution was then laid on the table.

Various resolutions and unfavorable reports lying on the table were considered and adopted. And several bills passed.

The bill requiring the government and the post office department to make specie payments where the amount due is under \$20, and payments on the spot equivalent to specie, in all cases, was taken up in committee of the whole.

After some debate, in which Messrs. Benton, Wright, Buchanan and Davis participated,

Mr. Buchanan moved to strike out §20, and insert §10.

The discussion was then renewed; and, before any final disposition of the bill,

On motion of Mr. Mangum, the senate adjourned.

March 29. A variety of business was attended to, to-day, and many bills disposed of.

The senate proceeded to consider a bill to establish the northern boundary line of Ohio, and to provide for the admission of the state of Michigan.

This bill produced a discussion, in which Mr. Benton, Mr. Clayton, Mr. Hendricks and Mr. Wright participated. Before the debate had terminated,

Mr. Tipton moved that the senate adjourn, but the motion was withdrawn.

The subject was then postponed until to-morrow; and,

On motion of Mr. Davis, the senate proceeded to the consideration of executive business.

After remaining some time with closed doors, the senate adjourned.

March 30. Mr. Grundy reported, with some amendments from the committee on the post office and post roads, the bill

authorising contracts to be made between the post office department and the rail road companies, and the bill was made the special order for this day week.

Mr. Tomlinson, from the committee on pensions, to whom it was referred to inquire whether under any existing law, the pensions due to individuals could be stopped for the payment of debts due to the United States, reported a bill to prohibit any such construction of the laws in existence—which bill was read and ordered to a second reading.

Mr. Clay reported from the committee on foreign relations, with sundry amendments, a bill from the house to carry into effect the convention between Spain and the United States, and these amendments were ordered to be printed.

Mr. Benton rose to give notice, that he should to-morrow ask leave to introduce a bill making provision for the better supplying of the United States with bullion.

Many bills were passed.

The senate resumed the consideration of the special order, being the bill to establish the northern boundary line of Ohio, and to provide for the admission of Michigan into the union.

Mr. Tipton made some observations against the bill.

Mr. Buchanan at some length, advocated the principles of the bill and defended its details.

Mr. Ewing (of Ohio) replied to Mr. Buchanan and moved to amend the bill by striking out all after the enacting words, and inserting a substitute corresponding with the bill to establish the northern boundary line of Ohio, which passed the senate, (introduced by Mr. Ewing), some weeks ago.

Mr. Wright proposed an amendment requiring the ratification of the condition by convention instead of by the legislature of the new state.

March 31. Mr. Morris rose to present a preamble and resolutions adopted by the legislature of Ohio, instructing their senators in congress to vote in favor of the expunging resolution.

On presenting these resolutions, Mr. Morris made some remarks which drew forth a reply from Mr. Ewing, and Mr. Morris and Mr. Ewing having mutually rejoined, the resolutions were laid on the table, and ordered to be printed.

Mr. Linn presented resolutions of a similar character, which had been passed by the legislature of Missouri, which were also laid on the table.

Other business was attended to, which is not immediately interesting.

The bill to admit the territory of Michigan into the union as a state, and for other purposes, was taken up and further considered. The question being on the amendment offered by Mr. Wright, making the admission conditional on the compliance of a convention of delegates, elected by the people of Michigan, with the provisions of the bill.

Mr. Southard addressed the senate at length in opposition to the bill, and gave way to a motion to adjourn; which being withdrawn,

Mr. Hendricks moved two amendments to the bill, which were understood further to prescribe and regulate the action of Michigan and its convention in regard to the preliminaries required for its admission into the union.

The amendments were ordered to be printed; and then, on motion of Mr. Naudain, the senate adjourned.

#### HOUSE OF REPRESENTATIVES.

Friday, March 25. After some preparatory business—

Mr. Hall, of Vermont, from the committee on the post office and post roads, asked leave to make a report on behalf of the minority of that committee, on that part of the president's message relative to incendiary publications.

On rising, Mr. Hall said it was proper he should precede the report he was about to submit with a brief statement. About the first or second week of the session, when the president's message was dissected by the resolutions of the gentleman from New York, (Mr. Beardsley), so much of it as related to the post office department, including the subject of incendiary publications, was referred to the committee on the post office and post roads. The committee took the subject into immediate consideration, and in the course of some two or three weeks came to the conclusion, by a vote of 6 to 3 in favor of the constitutionality and expediency of legislation, to restrain the mail circulation of these publications. The committee then proceeded to discuss various bills proposed by different members of the committee, and continued the discussion from week to week, and time to time, until about three weeks since, when a majority not being able to agree on any mode of legislation, the whole subject was, by vote of the majority, laid on the table of the committee, with the view as he (Mr. H.) understood of waiting the action of the senate, and getting further light on the subject.

Mr. H. said he did not complain of this decision of the committee, and he was ready to accord to the majority the same upright motives which he would claim for himself. They doubtless supposed there was a reasonable probability of their eventually coming to an agreement. But, believing as he did that the more light gentlemen got, the more difficult they would find in agreeing on a bill, he could not help considering the subject as disposed of for the session. Whether that were the case or not, the minority of the committee, having come to the conclusion that congress possessed no constitutional power to pass any law on the subject, were through with their inquiries, had completed their investigation, and were ready to report. And the nature of their report could not be affected by

any future action, or want of action, of the majority. This report of the minority was now, and must continue to be, that congress had no power to act on the subject.

Mr. H. said the position of the minority was very peculiar. The subject referred to the committee was one of great interest. The president, in his message, had recommended legislation to congress; his argument, the argument of the postmaster general, and that of a distinguished senator, the chairman of a committee of another body, all in favor of legislation, had been printed, laid on our tables, and read by every member. In this hall not a word, not a whisper had been heard in opposition to the principles thus promulgated. In the face of this official array of ingenious argument, the minority, acting under the oath they had taken to support the constitution of the United States, had felt it to be their imperious duty to oppose in committee every form of legislation which had been proposed. Under these circumstances, they felt that their position was one of much responsibility; that their course of action, and perhaps their motives, were liable to misapprehension, misconception, possibly to unjust imputation. It was for the purpose of justifying themselves to the house for the course they had felt it their duty to take that he sent to the chair a statement of their views, and would ask permission of the house that it be laid on the table and printed. Mr. H. said he only desired further to say that the report of the minority did not go into an examination of the character of the publications specified in the message, but was an argument to show that, whatever might be their character, congress had no constitutional power over them.

Mr. Connor objected to the reception of the report, as a proceeding before unheard of. The majority of the committee had not doubted the possibility of preparing a proper bill, but had differed as to its details. They would, he hoped, be able to report a bill in a few days.

Messrs. Speight and Williams also objected to the reception of the report.

Mr. Hall moved a suspension of the rules to enable him to present the report; which motion was not agreed to.

Many other reports were received and disposed of—when the house resumed the consideration of the report of the committee on elections on the subject of the North Carolina contested election.

The question being on the following resolution reported from the committee on elections:

*Resolved*, That James Graham is not entitled to a seat in this house, and that David Newland is entitled to a seat in this house.

Mr. Graham moved the following amendment: strike out all after the word "Resolved," and insert—

That the depositions which have been communicated to the house by the speaker, and laid on the table, since the report of the committee on elections was made, whenever taken on due notice, may be received by the house as testimony in this case, (concluding with the names of the voters).

And a debate commenced that continued until the adjournment of the house.

*Saturday, March 26.* The morning business being disposed of—

The house resumed the consideration of the report of the committee on elections on the subject of the North Carolina contested election.

[And thereupon commenced a long and ardent and tumultuous and fiery discussion, which lasted until half past four o'clock on Sunday morning. We cannot follow even the meagre sketches of the proceedings given—nor are they of any use; but have mentioned some of them in another place. The house had "resolved itself" into a "bear garden." It was, perhaps, by far the most disgraceful scene ever exhibited in the house of representatives. The yeas and nays were frequently called, and many questions decided—the object of one party being to force the previous question, and of the other to shove it off. The finale to the proceedings is thus given.]

Mr. Adams said I deny the right of this house to make me vote on the Sabbath day.

Mr. Hawes said he hoped the gentleman from Massachusetts would be excused from voting, and made that motion.

Mr. Adams replied, sir, I do not ask to be excused.

Mr. Hawes withdrew his motion.

Mr. Lawler moved an adjournment, and thereupon the yeas and nays were ordered.

Mr. J. Q. Adams having been called, and not answering to his name,

Mr. Wise rose, and said: I inform the house that the gentleman from Massachusetts is in his seat, and has not answered to his name. I wish to know whether the house has the right to compel a member to vote, under present circumstances.

The chair replied that there was no power in the chair to compel a member to vote, and he referred to precedents to show that the house had never undertaken to exercise that power.

Mr. Wise said his object was to ascertain whether the house would or would not compel its members to take part in legislative proceedings, against their conscience, on the Sabbath.

The chair said the proper time for raising the question was after the roll had been called through.

The call having been finished, and many members, who were present, having refused to answer to their names, before the result was announced,

Mr. Wise renewed the question.

The chair read the 28th rule, as follows: "Every member who shall be in the house when the question is put, shall give his vote, unless the house, for special reasons, shall excuse him," and remarked that the chair possessed no power to compel members to vote. In the most extraordinary case of this kind that had ever occurred, the subject was discussed by the house, and, after various propositions had been made in reference to the course of the member refusing to vote, the whole subject was finally laid on the table. It was requisite, in the present case, that some specific proposition should be made to the house.

Mr. Beardsley proposed that the gentleman from Massachusetts be excused from voting, on the ground that he has conscientious scruples against taking part in the business of the house on the Sabbath.

Mr. J. Q. Adams said he wished to repeat what he had said. He did not desire to be excused, for he had done nothing which required to be excused. He had refused to answer to his name when called, but he did not put his refusal entirely upon the ground that the gentleman from New York had chosen to take for him. In cases of great public necessity, he was willing to legislate on the Sabbath, but he denied the right of the house to compel its members to take a part in business, upon ordinary occasions, on the Sabbath day. Mr. A. stated and supported his views on this point at length.

After some very earnest remarks from Mr. Peyton, in reference to the course taken by the majority of the house, and some explanations and remarks from Mr. Beardsley, the latter withdrew his motion to excuse the gentleman from Massachusetts from voting.

After various proceedings, and some discussion, in which Messrs. Mercer and Bynum took part,

Mr. Wise moved that the gentleman from Massachusetts be required to vote, for the purpose of testing the sense of the house upon the question whether a member could be compelled to sit here, at three o'clock on the morning of the Sabbath, for the purpose of doing an unholy act of party. Mr. W. extended his remarks in support of this motion to some length.

Mr. Bynum called the gentleman from Virginia to order in the course of his remarks on the conduct of the majority, and some conversation of a personal nature took place between those gentlemen.

There being much confusion and excitement in the house, Mr. Connor moved an adjournment.

Mr. Thomas said he was compelled to call the yeas and nays on this question, and added, the house must not adjourn in this state.

Mr. Mercer. I implore the house not to adjourn. It ought not to adjourn.

The motion to adjourn having been withdrawn,

Mr. Mercer addressed the house in an impressive manner, and at some length, in regard to its duties to the individual members who had been brought into a painful personal collision, and cited precedents from the history of the house of commons, which, in his opinion, ought to govern the conduct of this house on the present occasion. He suggested a course by which the unhappy difficulty would be adjusted in a manner mutually satisfactory and honorable to both parties.

Messrs. Peyton, Thomas, R. M. Johnson, Adams, C. Allan, Patton, Thompson, of S. C. and Howard sustained the appeal of the gentleman from Virginia, with a view to procure a reconciliation between the parties before the house adjourned.

After some further proceedings in the course of which Messrs. Bynum and Wise, having simultaneously risen, made mutual explanation in regard to what had passed,

Mr. Davis rose, and said that, regarding the controversy as having been adjusted, he moved to suspend the rules for the purpose of making the subject of the North Carolina contested election the special order of the day for Monday, after one o'clock, and Tuesday, after twelve o'clock, which was agreed to, and the motion indicated was offered and agreed to.

Mr. Wise withdrew his motion in regard to the course of the gentleman from Massachusetts.

And, at half past four o'clock, A. M. the house adjourned.

*Monday, March 28.* The resolutions of the legislature of Kentucky, with the motion to commit them, with instructions to report a bill, to the committee of ways and means; and the motion to amend by substituting the committee on public lands, being the first business in order, were then taken up.

Mr. C. Allan, of Kentucky, called for the reading of the instructions; after which, he continued the course of remarks which he began on Monday last.

The morning business being ended—the house proceeded with the special order of the day, and resumed the consideration of the report of the committee on elections on the subject of the North Carolina contested election.

Mr. Calhoun, of Ky. whose remarks were interrupted by a question of order at twelve o'clock on Saturday night, resumed and concluded his remarks on the subject.

Mr. Graham (the sitting member) followed and spoke at great length in support of his claim to the contested seat.

Mr. Newland (the petitioner) obtained the floor, but yielded it to

Mr. Garland, of Ia. who moved an adjournment, which was agreed to—94 to 29.

The house then adjourned.

Tuesday, March 29. The speaker laid before the house the following communication, viz:

Washington, March 29, 1836.

Sir: I will thank you to communicate to the house of representatives that I have this day forwarded to the governor of the state of New York my resignation as a member of that body.

I have the honor to be, sir, with great respect, your most obedient servant,  
S. BEARDSLEY.

To the hon. James K. Polk, speaker, &c.

The said communication was read, and ordered to lie on the table.

Mr. Fairfield, from the committee for the District of Columbia, reported a bill to incorporate the Jackson city corporation, in the District of Columbia.

The bill having been read a first time by its title, and the question being on its second reading, objections were made.

Mr. Fairfield said the bill gave no powers to the corporation, except such only as were necessary to enable them to manage the common property of the corporation. It did not grant them a city charter.

Mr. Wardwell remarked that, in his opinion, if there ever was a humbug, this was emphatically one; and he hoped the house would at once reject the bill. What are the facts attending this most singular application? Several gentlemen have purchased a farm at the south end of the long bridge, over the Potomac, in this District. Their ostensible object is to build a city; but in my opinion, the real object is to make money out of it at the expense of the community. Should we incorporate this company, what will be the consequence? The lots will be advertised in New York, and every city in the union. They will be sold at a large price. The company will pocket the money, and those who purchase will lose it. This will be the result of this humbug. He hoped the house would reject the bill at once, and not give countenance to a project so well calculated to deceive the people.

Mr. Speight thought the course proposed, of rejecting the bill, was unusual and disrespectful to the committee which had reported it. He then called for the reading of the bill.

Mr. Vanderpoel objected to treating the bill discourteously, though he would not vouch for its expediency. He should like to have it take the regular course, but he would not say he should vote for it finally, though he was one of the committee which reported it. It did not strike him that at first blush it appeared so outrageous as to require its immediate rejection.

Mr. Bond made some general objections to the principle of the bill. If corporations for speculating in land, and such purposes, were to be granted, every body in the District would be asking for similar acts of incorporation. He did not think any action upon the bill necessary, for he did not believe a single man on the floor would vote for it.

Mr. Peyton said he regretted to see to what purposes and uses "the party" were appropriating the president's name. Not content with making use of his name as a matter of political speculation, by which they were attempting to appropriate to themselves all the offices in the government, they were now asking the sanction of this house to use it as a matter of pecuniary speculation. I am opposed to this, Mr. Speaker. I do not wish to see general Jackson's name identified with the bogs and swamps of the Potomac, and bandied about as an article of merchandise. What, and where is Jackson city? It is like the Georgian's land in the western district of Tennessee. He had been out to examine into its situation and value. On his return, his friends were anxious to know if it was productive. He said it certainly was; that he thought the whole 640 acres would, upon an average, produce 60 bushels of frogs to the acre, and alligators enough to fence it. And sir, a few speculators from New York ask us to identify by law these bull-frogs of Jackson city with the name of the president, that they may the more easily impose upon the credulous. They ask us to aid them in selling them out at a thousand dollars apiece, in the name of gen. Jackson. Sir, is it not enough that they should appropriate his military fame, those laurels which he won in the field, his vast popularity and political influence, to their political purposes? Shall they incorporate and sell his name throughout the country in market as a city? I am opposed to their applying gen. Jackson's name to all sorts of uses.

Mr. Fairfield advocated the bill, and remarked that, notwithstanding the fastidiousness of the gentleman (Mr. Peyton) to the use of gen. Jackson's name, he would be glad to see him and his whole party swamped. He stated that when the first draught of the bill was presented to the committee it contained enough to make a volume, and gave powers nearly equivalent to the charter of a city. He had, however, cut it down to a simple act to incorporate a company for the management of property; and he did not think, upon examination, any good objection would be made to its passage.

The bill was laid upon the table—*ayes* 80, *nays* 64.

At 12 o'clock, in pursuance of the special order for this day, the house resumed the consideration of the report of the committee on elections on the subject of the North Carolina contested election, and the following resolution with which the report concludes:

Resolved, That James Graham is not entitled to a seat in this house, and that David Newland is entitled to a seat in this house.

The question being on the resolutions moved by Mr. Rencher, on Saturday, as a substitute for the above,

Mr. Newland (the petitioner) took the floor and spoke at some length in support of his claims to the seat, and in reply to the argument of the sitting member (Mr. Graham).

Then followed a wide and long debate—in which many members took part. Decisions of the chair were frequently appealed from—but confirmed. At last,

Mr. Williams, of N. C. moved a call of the house, which was ordered, and the clerk proceeded to call the house.

The call of the names having been made, the doors were closed, and absentees called upon for excuses, but soon after, on motion of Mr. Williams, of North Carolina, the proceedings were suspended, 190 members having answered to their names.

The question then recurred upon the demand for the previous question, which, having been seconded by the house, was ordered to be taken by yeas and nays, and decided in the affirmative—*yeas* 112, *nays* 87.

The house adopted the first branch of the resolution—*yeas* 114, *nays* 87; and rejected the second branch—*yeas* 99, *nays* 100; and then passed a resolution referring the election back to the people. Adjourned.

Wednesday, March 30. Mr. Hawkins, by consent of the house, offered a resolution directing the clerk of the house to pay to David Newland, esq. the full amount of pay and mileage which would be due to him as a member of the house, from the day when he presented his petition, to the 29th instant, inclusive.

Mr. Rencher suggested that when the bill for the compensation of Messrs. Moore and Letcher was taken up, the gentleman could move this as an amendment.

The resolution, on motion of Mr. Mercer, was so modified as to instruct the committee on elections to inquire into the expediency of making the proposed allowance.

The resolution, as amended, was agreed to.

Mr. W. B. Shepard, from the committee on the District of Columbia, reported a resolution setting apart the 27th and 28th of April, for the consideration of business relative to the District of Columbia; which, after some consideration, was laid on the table.

Mr. Cambreleng moved to amend the resolution so as to strike out the 27th and 28th, and insert the 29th and 30th, viz: Friday and Saturday. It would be necessary (he said) hereafter, to give more than one day a week to the consideration of the public business. It would indeed, he thought, be necessary, by the time proposed, to suspend the rules appropriating Friday and Saturday to private business.

Mr. Whittlesey hoped the motion would not prevail. It would be an abandonment of decisions upon private claims. Many important bills had been reported which ought to receive the action of the house; and he would ask, if petitioners with just claims should be compelled to come up year after year, without having their rights examined by the house. There was no necessity for the course proposed. If gentlemen wished to speak upon the appropriation bills at length, there would be ample time, without trenching upon the time allotted to the consideration of private bills.

Mr. Briggs moved to amend the resolution so as to set apart the 28th and 29th for the purpose.

Mr. Cambreleng said he had no objection to this course, and withdrew his motion.

The motion to amend was not agreed to.

Mr. Parker moved to lay the resolution on the table.

Mr. Wm. B. Shepard called for the yeas and nays, which were refused.

The motion to lay on the table was agreed to, by a vote of 70 to 54.

The house proceeded, at one o'clock, to the special order of the day, and resumed in committee of the whole on the state of the union, the consideration of the "bill making appropriations for the naval service of the United States for the year 1836."

Mr. Garland, of Va. who was entitled to the floor, addressed the committee at great length, in reply to the remarks of the gentlemen from Maine, (Mr. Evans), from South Carolina, (Mr. Thompson), and from Tennessee, (Mr. Bell), heretofore made on this subject.

Adjourned.

Thursday, March 31. Various petitions, and other ordinary business being attended to—

Mr. Hawkins, from the committee on elections, reported a resolution, directing the clerk of the house to pay to David Newland, esq. the same amount of pay and mileage, as is allowed to members of congress, to be computed from the day of presenting his petition to the house, contesting the election of James Graham, esq. to the 29th inst. inclusive.

Mr. Underwood dissented from the proposition of Mr. Hawkins, and gave his reasons at considerable length. A debate followed; but, finally, the resolution was adopted—124 to 54.

The naval service bill came up in course, the debate proceeded, and Mr. Garland, of Va. finished his speech, Mr. Jarvis obtained the floor, the committee rose, and the house adjourned.

BALTIMORE AND OHIO RAIL ROAD,  
CITY COUNCIL—FIRST BRANCH.

Wednesday, March 23.

Mr. Barnes, from the joint committee appointed to witness experiments upon the power of the locomotive engines, at the inclined planes, submitted the following report:

The joint committee of the city council of Baltimore, appointed to witness the experiments upon the power of the locomotive engines of the Baltimore and Ohio rail road, at the inclined planes, respectfully report:

That your committee left Baltimore on the morning of Tuesday last, accompanied by a committee of the board of directors of the company, a committee of the board of trade, and other individuals, in all amounting to forty-two persons. The train consisted, besides the engine and its tender, of a double eight wheeled passenger car, constructed to accommodate forty-four persons; and three four wheeled passenger cars, capable of containing seventeen each. After some delay, occasioned by coming in contact with the leaders of a burden team, who, being alarmed, sprung before the engine from off the adjoining track, the train arrived at the foot of plane number 1, at a distance of forty-two miles from Baltimore. The instructions given to the engineer had been, as your committee are informed, to stop here, and, disengaging the double car, to attach the three single cars to the engine, and to ascend the planes with them, and with fifty passengers, this being a demonstration of the power of the engine, which, it was believed, would satisfactorily prove its efficiency for use, where the elevation was at the rate of two hundred feet per mile. Confident, however, in the power of the engine, the engineer, without stopping at the foot of the plane, commenced its ascent, with the train that had left Baltimore. The impetus acquired on the level was lost in the first three hundred feet of the ascent, after which, the engine drew its load steadily to the summit of the first plane, at the rate of from four to five miles an hour, accumulating speed as it approached the top. This plane is 2,150 feet in length; 2,050 feet of which ascend at the rate of 197 feet per mile; and 100 feet at the rate of 201 feet per mile. From the first plane the train proceeded to the second, which is 3,000 feet in length—2,800 feet of which ascend at the rate of 170 feet per mile—100 feet at the rate of 227 feet per mile, and 100 feet at the summit, at the rate of 264 feet per mile. The engine and its train ascended at the rate of from 5 to 6 miles per hour, to within thirty feet of the summit of this plane, when, while on the grade of 264 feet to the mile, it stopped. The three small cars weighing five ton one hundred weight, were then cast loose, when the engine starting, without assistance, on this grade, drew the double car and passengers to the summit with the greatest apparent ease. The steam escaped in volumes from the safety-valve as well when the engine reached the summit of the planes as when it left the foot of them. The weight drawn up the planes was as follows, according to actual weighing:

Patterson.....	1.	10.	2.	0.
Patapasco.....	1.	15.	2.	0.
Carroll.....	1.	15.	0.	0.
Double car.....	4.	17.	0.	0.
45 passengers.....	3.	0.	0.	0.
Tender.....	4.	7.	0.	0.
Tons.....				
Engine.....	8.	10.	0.	0.
Making a gross weight of.....	25.	15.	0.	0.

This weight of 25 tons 15 cwt. was drawn up the grades before mentioned, the steepest of which was 227 feet per mile, with much ease, and by the inherent power of the engine, without the assistance of the impetus of previous high speed—and the weight of 20 ton 15 cwt. deducting from the above the weight of the three cars cast off on plane number 2, was drawn with equal ease up a grade of 264 feet to the mile—the engine starting the train from rest on this grade. At the summit two car loads of pig iron weighing each four tons, were attached to the train, and the whole, weighing then 33 tons 15 cwt. was made to descend the plane, on the return to Baltimore, by the action of the engine alone, and without the assistance of a brake, at such speed as the engineer pleased, and was several times stopped, on the way down, to show the command in which the engine was held.

With such results as the above, it is unnecessary to add, that your committee are equally gratified and surprised; and from what they themselves witnessed, they have no hesitation in expressing their conviction, that the engines of the Baltimore and Ohio rail road, are capable of drawing with ease, at least fifty passengers, up ascents of any length, of from 200 to 220 feet per mile.

From the account thus given, it will be at once seen, that the performances of the best engines in England have been surpassed; and although your committee are aware, that calculation was competent to prove the practicability of ascending grades like those at the planes, with engines of the weight and power used on this occasion, and with similar loads, yet it was reserved for the company in question to prove that machines of such giant power could be constructed, combining with their great strength, the important qualities of speed, durability, facility of repair, and capability to use anthracite as their fuel.

Your committee are glad to have an opportunity of expressing their sense of the obligations, which the efforts of the Baltimore and Ohio rail road company have conferred upon the rail road system generally, and more especially in reference to it, as connected with the city of Baltimore. It is now a matter of common parlance, to assert, that the Alleghenies can be passed by locomotive engines by the Potomac route, without the use of stationary power; and your committee entertain no doubt

of the fact. It is this, which gives to Baltimore, the vantage ground in the competition with her sister cities, for the western trade; and yet this is owing, not more to the geographical depressions of the mountain range, than to the engines perfected by the company just named. Excepting the engines manufactured by them, there is probably not one in the United States, although some of the best ever made in England have been imported, which is capable of ascending the grades and passing the curves for any profitable purpose, which must occur among the mountains on the road in question. While nature, therefore, has done much to facilitate the intercourse of Baltimore with the west, the Baltimore and Ohio rail road company has not done less.

Your committee make these remarks as an act of justice; and they do it with the more pleasure, because it enables them to bestow a deserved complement upon the American mechanics, who have so well illustrated their capacity and skill in the manufacture of the engines in question: proving, satisfactorily, that in this, as well as in the other departments of human industry, their inventive genius is capable of the most elevated and useful flights. It is now but a few years, since the universal voice called upon the Baltimore and Ohio rail road company to follow the example of their neighbors and import their engines; and their perseverance in refusing to do so, although founded upon the very best and truest appreciation of circumstances, was stigmatized as folly or obstinacy. The result has fully justified their course, and shewed that their confidence in the skill of the artisans of this country to produce a more perfect machine than had yet been manufactured in England and better adapted to the road from Baltimore to the Ohio, was fully warranted.

The capacity of a locomotive engine when employed in heavy drafts depends upon three things:—1st. Its weight, which gives it the adhesion on the rails that is requisite. 2d. The capacity of its cylinders to use the adhesion to its utmost limit.—3. The ability of the boiler to supply the cylinders with steam equal to their capacity. Where the power is applied to but one pair of wheels but half the adhesion is used, supposing the weight to rest equally on the four wheels. Where the power is applied to both pair, the weight of the whole engine is made effective to produce adhesion. The English engines generally have but one pair of wheels geared. The engines of the Baltimore and Ohio rail road company have both pair geared. The weight of the engines, therefore, being equal, and there being enough steam to overcome the adhesion of both pair of wheels, the Baltimore engine must be double the effective power of the English engine. The larger the cylinders, in stroke and diameter, there being steam enough to supply them, the greater the power they afford—and the cylinders of the Baltimore engines being twelve and an half inches in diameter, and twenty-two inches stroke, while the English engines rarely exceed ten or eleven inches in diameter, by seventeen or eighteen inches stroke, the former are, of course, the most effective, since the daily experience of the Baltimore and Ohio rail road company shows the ample supply of steam, which the peculiar construction of the boiler affords at all times. At the end of nine months of constant use, the tubes of the Baltimore boiler have been found on examination as perfect as when they were inserted, while in the English engine, the renewal of tubes is a constant source of expense and vexation. The number of tubes in the Baltimore engine is four hundred, while in the English engine it rarely exceeds 120, causing a proportionate difference in the fire surface, or capacity for generating steam, the heat applied in the furnace being the same.

Your committee state these facts, which are of easy comprehension, to shew that the superiority of the Baltimore engine over the English one of the same weight, is not a matter of accident only, or about which there can be any mistake, but an inevitable consequence of well known philosophical and mechanical principles.

The engines of the Baltimore and Ohio rail road company are manufactured by Messrs. *Gillingham and Winans*, at the company's shop. Both of these gentlemen were, for many years, in the service of the company, in the department of machinery, before they became contractors; and to them, together with the late *Phineas Davis*, the former contractor, is to be attributed the perfection of the present locomotive. Their establishment is a large one, employing upwards of an hundred workmen, and of itself is of great benefit through the employment that it gives, and the money which, necessarily, it is the means of circulating. The company has a prior claim to the services of the contractors, paying a stipulative price for the engines, (\$5,000) and the machinery which are obtained from them, and paying for repairs by the time which they consume. The expenses of the shops are borne by the contractors, who build and manufacture for others as well as the company. The shops and permanent machinery have cost the company about \$10,000—which sum has been already returned to it in the reduced price for which the contractors build the engines, in consideration of the advantages of the use of the shops, the proximity to the road, and the opportunities of working for other companies.

In the annual reports of the Baltimore and Ohio rail road company, the power of their engines has frequently been mentioned; and the authority and character of these reports have been quite sufficient to authenticate the facts therein stated. Your committee are aware however, that the incredulous as to the ascent of the planes at Parr's Spring Ridge, have not been

few, and, perhaps, the very importance of the results stated, so far exceeding all previous experience, has been the cause of doubt; or in other words, "the news was held to be too good to be true." Your committee however are witnesses, with many others, to the surprising efforts and efficiency of the engines in question, and they are glad that an opportunity has been afforded them, to add their testimony in corroboration of that which reflects so much credit upon the mechanics of our country, and to express their approbation of the persevering and patriotic individuals who, in the management of the Baltimore and Ohio rail road, have called our native talent into play, and done so much to develop and increase the efficiency of the rail road system. All of which is respectfully submitted,

SAMUEL BARNES,	} committee of the first branch.
WALTER BALL,	
SAMUEL HARKER,	
J. B. SEIDENSTRICKER,	
JOSHUA DRYDEN,	
JOHN SCOTT,	
HENRY MYERS,	} committee of the second branch.
WILLIAM REANEY,	
SAMUEL READY,	
JAMES FRAZIER,	
F. LUCAS, JR.	

#### BALTIMORE AND OHIO RAIL ROAD.

At a large meeting of the friends of internal improvement, held at the court house in Uniontown, Pa. on the 16th March, the following preamble and resolutions were unanimously adopted:

*Whereas* the Baltimore and Ohio rail road, presenting as it does the nearest and best connexion between the Atlantic seaboard and the western states, is an object of the highest national importance, whether considered in reference to the mail, military or commercial operations of our country:

At a time, therefore, when the national treasury is full to overflowing, this great national undertaking, already carried, by the patriotic efforts of individual enterprise more than one hundred miles from the seat of the federal government, towards the west, (being nearly one-third of its entire extent), ought not to be suffered by congress to fail or falter for want of the means of its speedy and vigorous prosecution, and the more especially since it is ascertained, beyond all doubt, that the mountain can be overcome by this route without the use of stationary power or inclined planes any where exceeding 50 feet of ascent in the mile, thus securing the transportation of mails and munitions of war in 24 hours, from Washington city and Baltimore, to Pittsburgh and Wheeling, on the Ohio river:

And as the government of the United States will be obliged to avail itself (at any expense) of rail roads as the swiftest conveyance for its mails—Therefore, in the opinion of this meeting, the government ought to adopt a general system, at once, by contracting with the companies incorporated for the purpose of constructing such roads to transport the mails, troops, military stores, or other property of the United States, forever, free of charge, in consideration of a stipulated sum to be paid as the work progresses. Under such a system, the mails and military operations of this country would soon be carried on, not only free of expense but with a celerity and efficiency unprecedented in the annals of the world.

Regarded as a system of military defence merely, unconnected with its other uses, how superior to any system of fortifications would be a system of rail roads traversing our extensive seaboard from Maine through Florida to New Orleans, with branches penetrating the interior in every direction, and enabling the government to concentrate, at any time, and at any point on our maritime frontier, in a few hours, and at a trifling expense, 100,000 citizen soldiers upon whom, this country must always rely for its defence—a system equally available for the repulsion of invaders from abroad, and the suppression of insurrections at home. The superiority of this system for national defence will be manifest from the statement of the ascertained fact, that the Baltimore rail road company have now, before its work is half completed, 1,350 cars, in which they can transport 54,000 men from Baltimore to Washington city, in less than three hours, and deliver them, as fresh and ready for action, as at the moment of their departure; this alone would have saved the country from the mortification and disgrace of having its capitol destroyed by hostile hands during the late war. Thus by uniting Boston, New York, Philadelphia and Baltimore, by similar roads, each having cars sufficient to carry 50,000 troops, 250,000 men might, in a few hours, be concentrated in any of those cities. In point of economy and utility how stands the comparison?

In peace as well as in war, forts and fortifications are a heavy and constant burden of expense to the treasury, while rail roads, instead of burdens would confer benefits beyond their cost, not only in reference to mail and military operations, but also in the facilities they would at all times afford to internal commerce and intercourse, and in their immense value as bonds of social and political union among the states.

As to the constitutional power of congress over the subject in this form, there can be no question. The money is appropriated for the express purpose of carrying the mails and munitions of war, both of which powers, are, by the constitution, expressly granted to congress. The duty of providing for the national defence is imposed on congress, and the selection of

the means appropriate to this end was unavoidably left by the constitution to their sound discretion. If then rail roads are found to be as efficient for national defence as forts and fortifications, congress has unquestionably the same right to adopt them.

But if, while they are equally valuable for national defence, they will also serve to carry into effect other powers confided to congress, viz: the transportation of the mails and the "regulation of commerce among the several states," then they would seem to be even more clearly within the constitutional competency of congress than forts, arsenals, &c. which are adapted to but a single constitutional end.

Therefore, resolved, as the unanimous sense of this meeting, that our senators in congress and the representative of this district, be respectfully requested to use their endeavors to procure the passage of a law granting an appropriation to the Baltimore and Ohio rail road, on the terms indicated in the foregoing report.

Resolved, That the foregoing preamble and resolutions be communicated by Andrew Stewart, chairman of the committee who reported them, to our said senators and representatives, and to direct their publication.

WILLIAM DAVIDSON, president.

GIDEON JOHN, } vice presidents.  
ELI ABRAMS, }

James Abraham, } secretaries.  
Alfred Patterson, }

#### MR. GRUNDY'S BILL,

IN RELATION TO CARRYING THE MAILS ON RAIL ROADS.

Mr. Grundy, according to notice, asked and obtained leave to introduce the following bill:

A bill to authorise contracts for carrying the mail and public property of the United States upon rail roads.

*Be it enacted by the senate and house of representatives of the United States of America in congress assembled,* That, for the purpose of obtaining for and securing to the United States the use, as hereinafter specified, of the rail roads which have been or may be completed within the states or territories thereof, for the transportation of the mail, and for other public purposes, the postmaster general be, and he is hereby, authorised to receive from the states, corporation, and companies owning the rail roads which are now completed, or which are now or may hereafter be in a state of progress towards completion, and of which any section may have been completed between points important in the transportation of the mail, propositions specifying the same which the said states, corporations and companies ask to be paid by the United States for the use as aforesaid of the said roads, and for which the proposers will respectively agree to carry the mail of the United States, and the persons having charge thereof, as often and at such hours as the postmaster general may direct, in preference to any other thing or person carried or to be carried on the said roads, and in the most rapid mode of transportation used or to be used on the said roads; provided that the postmaster general shall not be authorised to require the mail to be carried on any of the said roads more frequently than once in each day, unless more than one separate car or train of cars shall be run on each day of the transportation of persons or things, in which case if required, a mail shall be carried in any such additional separate car or train. Also, to carry upon the said roads the agents of the post office department, travelling upon the business of the said department, under the orders of the postmaster general, and the officers of the army and navy of the United States, travelling under orders. Also, to carry upon the said roads, in preference to any other thing, the public property of the United States, timber and stone excepted, and the persons having charge thereof, and the troops, seamen and mariners of the U. States, when and as often as the transportation of the said public property, troops, seamen or mariners shall be required by the president or any other officer of the United States having authority to order the same. And the post master general is authorised to make contracts, in the name of the United States, for the use of such of the said roads as the interests of the public may require, having regard to the duration of the charters of the said corporations; which contracts shall secure to the United States the free use, in manner aforesaid, of the said roads, and shall distinctly provide for the services to be performed by the contractors, and shall specify the sum or sums to be paid by the United States immediately after the approval of the contracts by congress, as herein provided, if the roads be completed, or by instalments proportionate to the sections of the said roads which are then or may thereafter be completed, payable when and as often as the said sections shall be finished and brought into use.

Sec. 2. *Be it further enacted,* That all the contracts which may be made, pursuant to the provisions of this act, shall be forthwith submitted to congress, in session; if not, then at the commencement of the next session; and if sanctioned by resolution thereof, approved by the president, the money agreed to be paid by the United States shall be paid out of any money in the treasury not otherwise appropriated, upon the certificate of the postmaster general that the same is due according to the terms of said contract.

Sec. 3. *Be it further enacted,* That every contract made pursuant to this act shall, for the purpose of securing the due performance of the services for which it stipulates, be deemed to create a specific lien or charge in behalf of the United States

for the amount of money paid thereon, upon the road for use of which it is made, and the land upon which the said road is constructed, or appurtenant thereto; and all the fixtures pertaining to the said road, and the said lien or charge shall bind the said road, land and fixtures, in whose hands soever they may be, in preference to any other title, claim or demand whatever, either of the owners, part owners or stockholders of the said road, or any other person, body politic or corporate, claiming the same, or any interest in, or part of, the value or proceeds thereof, by any act of law, or by any contract, sale, mortgage, deed of conveyance, forfeiture, escheat, grant, judgment, decree or execution, except specific liens existing at the passage of this act. And if, by reason of the forfeiture, repeal, annulment, or surrender of the charter of any corporation, or of the dissolution of any company, contracting as herein provided, or from any other cause, the services stipulated to be rendered in any contract made pursuant to this act shall remain unperformed without the assent of the United States, the president of the United States shall cause proper legal proceedings, founded upon the lien created by the contract, to be instituted for the recovery of the money paid by the United States, without interest, but such proceedings shall, in no case, be instituted so long as the United States continue to receive the services provided by the contract.

The bill was read twice, and referred to the committee on the post office and post roads.

#### SURPLUS REVENUE—RAIL ROADS—MR. CRENDY'S BILL.

From the *Washington Globe of Saturday*.

Among the projects for disposing of parts of the surplus revenue, there is none which promises more public utility than the proposition to contract for the freedom of the rail roads for all government purposes. In a practical point of view, the following advantages are to be anticipated:

1. It will give conveyance to the mails, without charge, on the routes where it is heaviest and most expensive, enabling the government to reduce the rates of postage, or largely to increase mail facilities to the interior of the country.
2. The mails on these routes will be conveyed more frequently, more rapidly and more safely.
3. It will incalculably diminish the expenses attending the means of public defence in peace and in war.

By enabling the government rapidly to concentrate the public force, it will render it unnecessary to keep up so great a standing army as might otherwise be required. With rail roads at the service of the government along the whole seaboard, and on the principal routes, of interior communication, the effective power of our present army would be more than doubled.

By affording on those routes free transportation for officers, men, stores and other public property, it would lessen the expenses of the government in time of peace, and obviate one of the heaviest items of charge in time of war, thereby diminishing the necessity of taxation or loans, in a degree proportioned to the perils and efforts of the country.

4. It will incalculably increase the power of the country to defend itself in cases of invasion or insurrection. City can rush to the defence of city in a few hours, and states to the defence of states in a few days. Before a hostile fleet could approach and land its forces near one of our great maritime cities, the whole power of several of her sisters would be at hand to defend her. Before an attack could be planned and executed, the interior country would send down its thousands and tens of thousands by every rail road. Forts are useful in certain positions, but the surest defence of a country is an invincible array of armed men. To avoid invasion, we have but to have the means of concentrating at every important point for defence, a more formidable force than our enemy can bring to the assault.

As auxiliary to the public defence, therefore, this project deserves the most favorable consideration.

5. All the benefits of free roads will be secured to the government, at the cheapest possible rate, and without touching any of those constitutional questions, involved in a system of internal improvements by the general government. It will be a mere matter of contract. The original power of making contracts for the general government, invested in congress. That body has delegated to the heads of departments, the power to make contracts for limited periods, and has generally prohibited advances of money until the articles be delivered, or the service performed. But that body can make, or authorize to be made, unlimited contracts, and pay the whole consideration in advance. Whether they will do so, is a question of expediency only.

It is not proposed to advance money to any company, for the purpose of enabling them to make a road. The money is to be paid only when the road is completed, and the public service has commenced upon it. Sections of a road, however, may be contracted for, and the consideration paid separately. Thus, the road from Washington to Baltimore, is a part or branch of the Baltimore and Ohio rail road. The use of that section may be immediately contracted for, and the consideration paid; so of the section from Baltimore to Frederick, &c. Nor does it effect the principle, if the company avow that their purposes is to finish other sections of the road with the funds so procured. The government does not pay them for that purpose, but to obtain the free use of the sections already made. It matters not whether the company make other sections or other roads with those funds. The government will pay the consid-

deration for the use of those other sections, or other roads, only when they may be completed.

Finally, This project, if adopted, will put at rest, forever, all questions as to the power of congress to make roads within the states, by receiving all the benefits of the power without exercising or usurping it. The government will have throughout the country, for its own purposes, *free rail roads*, at an expense immeasurably short of the cost of making them, without assuming any jurisdiction over the soil; without affecting any states right; without exercising a power in the least doubtful. Even in case the owners of the road fail to perform the contract service, it is not proposed to give to the government any power to keep the road in operation, or to exercise any authority over it, other than to sell it as they now do private property, for the payment of debts to the public.

It is, we think, no small recommendation of this project, that it promises to put an end forever, and that speedily, to the distracting questions as to the power of the government to make roads and canals within the states.

How delightful is the prospect presented in another aspect! Other governments are saddling posterity with debts which generations will be unable to extinguish. We propose so to apply our present abundance as to lessen the legitimate demands on posterity. We propose to pay in advance for the conveyance of their mails, the transportation of their public property and their armies—some of the heaviest items of expense in all their wars, and considerable charges upon them in times of peace. How beautiful the contrast with all other governments of the world, ancient or modern! It will be the first example—we hope it will not be the last.

Why then should not a liberal portion of the surplus revenue be devoted to this object? Give enough to the navy—enough to forts—enough to the preparation of the munitions of war—and we shall have enough left for this great purpose.

The vetoes of the president have temporarily checked the spirits of federal encroachments upon the roads of the states; this measure, if carried into effect, will extinguish it forever, crowning his hazardous exercise of power in defence of the constitution, with complete success, as lasting as it will be beneficial and glorious.

#### LATER FROM FLORIDA.

We are indebted to our attentive correspondent of the Savannah Georgian; for a slip containing the following interesting information from gen. Gaines' army.

From the *Georgetown, extra, March 20.*

FROM FLORIDA.

The steam packet Etiwan, captain Sassard, arrived yesterday afternoon from Jacksonville, brought us a slip from the offices of the Jacksonville Courier, which contains the following interesting intelligence from gen. Gaines' army. For the want of provisions, they have been obliged to retire to Fort Drane, where the gallant Gaines yielded the command to the no less gallant Clinch, and set out for the west.

We are of opinion that gen. Gaines has left the forces at Fort Drane, not because, as others think, the war is at an end, but because his orders compelled him so to do, and, as gen. Clinch is an experienced officer, he did not feel authorized to violate those orders, one of the first duties of the soldier being to render cheerful obedience to his superiors. Besides the brave Scott, entrusted with the chief command in Florida was, we presume, known to be approaching Fort Drane. What necessity, then, for Gaines to remain when such reasons urged his withdrawal.

We are more inclined to look upon the advances of Ocoola as a deep stratagem laid by the wily savage, than any serious disposition for peace. His character, the character of his followers, as evinced on the blood stained fields of Florida, forbid the idea that the revengeful savage—the violator of treaties—the murderer of Charley Omathla—of the gray-headed Thompson—and the companion of the destroyers of Dade and his martyred associates, can, from any desire to spare the blood of our countrymen, pause in that career of carnage, to pursue which he has bathed his hands in innocent blood, trod upon the prostrate bodies of the noble and the brave, and nurtured, for a propitious moment wherein to gratify them, the revengeful feelings of the savage breast. We trust that no faith may henceforth be placed in the faith of Ocoola. Unlike the sun in his noon-day brightness, he blesses neither his own nor people of other climes. Unlike the same brilliant luminary in his morning brightness, he throws no smile of promise over a favored world, but resembling him only when veiled by the clouds of heaven, or declining in blood beneath the western horizon, he throws to our acceptance a day of gloom or a night of sorrow. May it be the fortune of our gallant army to view him as the setting sun—but not increasing in his blood-stained color, as he sinks from their sight. But may his disk when viewed, be shorn of those bright rays which distinguish the sun even in his evening journey.

From the *Jacksonville Courier, March 17.*

GENERAL GAINES AND OCOOLA HAD AN INTERVIEW.

The news from the camp of gen. Gaines continues to be of great importance. In our last we stated gen. Clinch, with the Alachua militia, had joined him. We were then unable to state correctly the particulars. The following extract of a letter to the editor will show the force which accompanied the provisions.

"The force, which went to the relief of gen. Gaines under the command of gen. Clinch, consisting of four companies of

mounted volunteers from Alachua county, commanded by captains Williams, Carter, Hern and lieutenant Dell, one company from Hamilton county, under captain Martin, the Richmond blues, about seventy friendly Indians, and some regulars, in all about seven hundred men. Verbal reports state that the Indians are getting short of food.

"With this force general Clinch went to the relief of general Gaines. The night before his arrival, Ocoela sent a negro to the camp of general Gaines, requesting an interview, and promising to stop killing white men if he would stop killing Indians. This proposition was agreed to, and Ocoela was told to come next day with a white flag, when they would have a talk with him. The next day, in company with another chief, he came to within about a hundred yards of the fort, waved his white flag around three times, and sat down upon a log. Three officers from the camp went to meet them.

"Ocoela informed them that general Clinch was on his way to join them with a large number of horsemen. He expressed his willingness that hostilities cease, and to give up his arms. The officers required him to sign articles of agreement by which he bound himself to proceed immediately to Tampa Bay, and there embark for the Mississippi. Some say that Ocoela objected to this mode of removing, and wished to go by land. Others that he would not promise to go at all, but wished to live on the other side of the Wythlacochee and to have that for the boundary line between them and the whites. Their discussion was interrupted by the arrival of general Clinch. During the course of it, Ocoela inquired how they were off for provisions. They told him they had a plenty. He said he knew they had not, and if they would come over the river, he would give them two beaves and a bottle of brandy.

"As general Clinch approached, the friendly Indians discovering the hostile Indians about three hundred yards from the camp of general Gaines, raised the whoop, which was immediately followed by one from the hostile Indians. The men immediately formed and fired a platoon. The Indians fled and were closely pursued. A runner then came from general Gaines ordering them to stop, and informing them that Ocoela was treating with them. At first those in pursuit could not be restrained; but the cry of 'treaty,' 'treaty,' soon checked them. General Clinch then formed and proceeded to camp."

The following extract of a letter, written after their arrival, contains some interesting particulars:—

*Head quarters, Camp Izard, Florida,  
On the Wythlacochee, March 8, at night.*

We arrived at this post on the evening of the 6th, and found general Gaines' army in a state of starvation, eating horses, dogs, &c. Less than a gill of corn was issued for a day's rations. We brought but a small quantity of provisions with us, and I believe there are but few men in camp who are not hungry at this time. We found plenty of fresh Indian signs two miles above this on the river, and some of us wanted to pursue it, but the general directed otherwise. When we came in sight of the camp, the spy guard reported Indians (500) in battle array. The war whoop commenced, and all who heard it expected, and I believe, were prepared, ready and willing for it. I was at the head of captains Martin and Carter's companies, the left flank, when we discovered a considerable body of Indians on our left and gave them a fire; two only returned it, (and one of the balls struck near me), they instantly fled into the hammock; it is said we killed one and wounded two; to-day the spot has been visited, and a considerable quantity of hides, some rice, &c. were found, so I guess they left in a hurry. They have had general Gaines completely surrounded for several days previous to our arrival; they had fought him all the day before without much execution on either side.

Hearing the attack of general Clinch, the officers in conversation with Ocoela advised him to retire into the hammock, while they went to the camp.

On reaching the camp, general Clinch found its inmates in great distress. They were literally in a state of starvation. They had killed and eaten several horses and dogs. One soldier having stolen a dog and killed it, sold one of the quarters for five dollars. For this act of stealing, killing or selling, or all together, he received a severe flogging. One man gave six dollars for a piece of horse's entrails about a foot long. Five dollars were given for a biscuit and the same for a quart of corn. We forbear to mention many other acts, showing what hunger will compel one to do, which are related of these patriotic men, thus surrounded and suffering in a savage wilderness. Yet there was perfect subordination, and every man was prompt in the discharge of his duty. The Alachua volunteers cheerfully distributed their biscuit and corn, reserving none for themselves. It was affecting to witness the greediness and thankfulness with which they received a whole or a half biscuit from their deliverers.

The evening of the day on which their interview was interrupted by the arrival of general Clinch, Ocoela sent word to general Gaines, that if he would send away the horsemen, (Alachua militia), they would come and surrender their arms. We know not whether from suspicion or otherwise, the horsemen were not sent away. After waiting three days to hear more of Ocoela, and not having provisions to remain longer, general Gaines returned to Fort Drane at which place Ocoela was to have met him, Monday or Tuesday last. After reaching this fort, he transferred the command to general Clinch, and left for New Orleans by the way of Tallahassee. During some of the engagements, he received a wound; the ball, passing through

his lip, knocked out two of his teeth, but its force being nearly spent, it did him no further injury.

This movement of Ocoela in requesting an interview, when general Gaines had been entirely surrounded by his followers for several days, is inexplicable, and seems to have taken all by surprise. Whether it was an artifice devised on learning of the approach of a reinforcement, to give time to make a safe retreat; or a stratagem by which, after introducing five hundred Indians within the breast work under the pretence of surrendering their arms, he intended to make an attack with his main force, and, taking advantage of the confusion, to massacre the whole before general Clinch could render them any assistance; or, as he says, he is really tired of murdering white men, general Clinch's arrival sooner than was anticipated, prevents us from determining, and time alone can now decide.

Though Ocoela has courage and cunning to plan and execute almost any bloody movement, we sincerely hope he has seen the hopelessness of further resistance, and that the Indians will now surrender their arms, and prepare to abide by the stipulations of the treaty for their removal. Should this be the case, general Gaines will receive a nation's thanks and a valiant general's fame.

To the manner in which he has conducted his part of the campaign, much credit is due. His alacrity in bringing to the theatre of action so large a force, his march from Tampa Bay, and the burial of the unfortunate major Dade and his companions, entitle him to the gratitude of the citizens of Florida, at whose cry of distress he so promptly came, and of the afflicted relatives and friends of the unfortunate men, whose bodies were strewn over the plain, and upon which the vultures were fattening.

*From the Savannah Georgian.*

The following extract of a letter received in this city, in a great measure confirms the accounts published yesterday from the Jacksonville Courier.

*Picolata, March 15, 1836.*

An express from Fort Drane last evening, states that general Scott is there; that general Gaines had retired to Fort Drane, and left the command before Scott arrived—that whilst at the Wythlacochee, Powell, Jumper and Abel were in camp suing for peace—that they were tired of fighting. Whilst negotiating, general Clinch's detachment came up, and knowing nothing of what was going on, rushed upon the Indians who fled, and Powell and the rest hearing the alarm started like fury, but promised to return the next day—that on account of Clinch's men they were afraid to come into camp, but stood on the other side with a flag, and stated that they had sent to the governor, Micanopy, to know his ideas, and, as the old man has always been considered in reality favorable to removal, we are all in hopes that the war will soon be terminated.

They have removed their women and children about 40 miles from the late battle ground. General Scott has had the offer of from 800 to 1,000 Creek Indians, which he had accepted. They are to be there in 20 days.

A new war seems about to happen with the Indians of the south. The Tuscaloosa (Ala.) Flag of 12th inst. says: It is rumored that the Creek Indians design commencing hostilities very soon; and it is believed by the citizens of the counties where the Cherokees are settled, that the Ross party, which is opposed to a treaty without reservations, will unite with them, in case such a treaty should be made. A letter from Tuskegee, Cherokee county, to a gentleman in this place, says: an old Cherokee, friendly to the whites, told me the Creeks would begin war, when the trees budded out. They are, generally, well armed and amply supplied with ammunition.

*Montgomery, Ala. March 15.*

On Wednesday and Thursday last, the village of Vernon on the Alabama river, exhibited quite a military appearance. All the companies except the one from Morgan county, had arrived at their place of rendezvous, and when we left that was hourly expected. Among them are some of the most respectable citizens of the state, and several members of our last legislature.

Through some cause unknown to either major general King, or Mr. Withers, the governor's private secretary, captain Harding of the United States army, failed to meet them at the appointed time, the consequence of which was, that upwards of 700 men as late as Friday were collected together, without provisions, arms, or any regular officer, to muster them into the service of the United States. They however, were not permitted to suffer for want of subsistence. The patriotic gentlemen of the neighborhood came promptly to their assistance and made a free will offering of the contents of their *corn cribs* and *smoke houses*.

We understand that his excellency governor Clay has most fully complied with the requisition of the commanding officer in Florida, and for fear that some irregularity might take place to the detriment of the soldiers, sent as many as three communications to Mount Vernon, addressed to captain Harding notifying that officer, of the time and place where the troops could be received. Had not governor Clay been taken sick on the road, it was his intention to have met the men, his countrymen, in arms and to have furnished them with all the aid that lay within his power.

Whether captain Harding has yet reached Vernon we know not. If he has, and brought with him the necessary equip-

ments for the campaign, the troops will soon proceed to our eastern frontier. If he has not come, there is a strong probability that upon the return of the express to the governor, they will be disbanded and permitted to go to their homes.

To say the least of the matter, it is truly unfortunate that there was no United States officer to take charge of the companies. To call 700 mounted men into service and make no arrangements to furnish them with "provisions, arms and ammunition," is no small circumstance. We trust that the matter will be sifted to the bottom; and that all the facts connected with the failure, will be speedily brought to light. The honor and high stauding of the parties concerned, require that the explanation should be ample.

P. S. Since writing the above we learn that the troops have been dismissed and returned to their homes, and the expedition failed.

Tallahassee, March 17.

We understand that there have been arrivals in town late this evening, from the seat of war in the east. We are enabled to furnish the following items of information which are now in possession of some of the citizens so far as we can ascertain, the facts disclosed may be confidently relied on. It appears that gen. Gaines has resigned the command of the detachment which he lately led so chivalrously against the common enemies of our territory, to gen. Clinch—who has moved back since towards Fort Drane, the present head quarters of gen. Scott. In his campaign against the Indians, he has had much to contend against. The amount of provisions obtained for his troops at Forts King and Drane proving insufficient, he was necessitated to take up the line of march back toward Tampa Bay, and on his route was attacked near the Wythlacoochee on the 27th ult. by a band of Seminoles, amounting, it is supposed, to from 12 to 1,500 men; losing in a half hour's battle one man killed and eight wounded. The 28th and 29th seem to have been marked by marches, preparing defences, and in skirmishes, in which last lieutenant Izard received a mortal wound. He was afterwards buried near the Wythlacoochee. The breastworks, temporarily thrown up, were fired upon at intervals during the 2d, 3rd, 4th and 5th, inst. our troops at this time being reduced to great scarcity of provisions. On the 6th Powell or Ocoela, Jumper, and several other chiefs, protected by a flag of truce, held a talk with some certain officers of the staff, charged for this purpose; to the effect that for themselves they wished for peace, but that as they only spoke for themselves, they wished a present cessation of hostilities, in order to consult their principal chief Micanopy, who was then absent. They were suffered to depart, and in the morning following were not to be met with. Their loss, as far as ascertained, is about 30 men—that of the whites, 4 killed and 38 wounded.

We have just seen an order of gen. Scott authorising general Woodward and majors Watson and Flournoy, to receive into service for the Seminole campaign, 500 friendly Creek Indians. To this end the United States agents are required to co-operate with those officers.

The "National Intelligencer" of Wednesday last says—

From Florida, authentic accounts were received, by the mail of yesterday evening, confirming the main facts, heretofore reported, of the return of the troops from Wythlacoochee to Fort Drane, and gen. Gaines' departure for New Orleans. There appears, however, to be no foundation for the rumor that the war is ended. On the contrary, every preparation was making, under the orders of gen. Scott, to carry it on with vigor.

Fort Drane, March 16. There is every reason to believe that Powell (Ocoela) remains with his people in the same neighborhood. This is most fortunate for Scott's operations. On the 25th, Eustis with 1,700 men, would be at Pelakiekaha, on the road from Tampa to Fort King; and col. Lindsay had been expected to be at Chichuchaty, nearer to Tampa, with about 800 men. But there is too much reason to fear that the dispersion of the 700 troops from Alabama would embarrass this part of the arrangement. Gen. Scott could not, by the 16th, have heard of this unfortunate *contre-temps*. Clinch on the same day, (the 25th), would be back on the Wythlacoochee, with about 1,800 men. About 400 of Clinch's wing had been left by gen. Scott on the St. John's, but they would be up in time. Whilst Scott attacks them in front, on the one side, Eustis and Lindsay were to close in the rear—not only to aid in the engagement, but to prevent the escape to the south east. If the Indians remain in their present position, and every body believed that they would, the great stroke was expected to be given about the 28th (yesterday)—and some smaller bodies would then remain to be picked up. The delay till the 28th was to make it certain that Eustis and Lindsay were in position, and to enable Clinch to receive from Picolata and Gary's ferry the necessary subsistence. All the wagons had gone to those places. The army was in fine spirits, and Gaines's troops recovering fast from their recent sufferings. If gen. Scott should succeed in his operations, he expected to be at Tampa Bay by the 7th April.

How far the disappointment in receiving the Alabama volunteers will embarrass the operations of the campaign, it is impossible for us to determine. We have every confidence, however, in the genius and resources of gen. Scott.

The agreement made by gen. Gaines with the Indians on terms of which we are furnished by capt. Marks, is to the fol-

lowing effect—that the Indians and their chiefs should retire beyond the Wythlacoochee, and there remain peaceably until the wishes of the government are known—that commissioners would be sent them by the proper authorities to express those wishes, and that the chiefs should assemble at any time and place, when and where they should be required.

Ocoela, Jumper, Albeti Hajo (Crazy Aigitor) all Indians, with Abram principal adviser of Micanopy, and Cesar, both Indian negroes, were present at the interview on the part of the Indians; and the officers who, at the request of general Gaines, were present, were captain Hitchcock, of 1st regiment infantry, captain Marks, of the Louisiana volunteers, and adjutant Barrow, of the same.

If the Indians do not comply with the terms of the treaty, it is gen. Scott's intention to make them do so, peaceably if they will, or forcibly, if necessary.

The general impression when these officers left Fort Drane was that the war was at an end. No hostile Indians have been seen by our army since gen. Gaines left the Wythlacoochee. Most of the friendly Indians with *Black Dirt*, their chief, have returned to Tampa, deeming their services no longer necessary.

We understand that in consequence of some misunderstanding between col. Twiggs and the commanding general, respecting brevet rank in the field, that col. Twiggs will forthwith repair to New Orleans and resume his duties as commandant of that station. [Savannah Georgian.]

#### FROM TEXAS.

We have a copy of the Texas Register, published at San Felipe de Austin, of the 20th of February, containing the following:

TO THE PEOPLE OF TEXAS.

Council hall, San Felipe de Austin, Feb. 13, 1836.

War with its most terrific attendants and consequences is rolling its horrors upon us! The enemy with great force is within our borders; and Texas sleeping amidst surrounding dangers. The arch enemy of liberty—Santa Anna, prompted by vindictive fury, leads the onset—death, violation and extermination are determined against us. The following letters speak a language not to be misunderstood, and clearly show the alarming situation of the country and the necessity for prompt and efficient action. If we would save our country from the threatened destruction, our wives and daughters from the vilest pollution, and our families and ourselves from general massacre, FREEMEN OF TEXAS—now is the hour!!—let no consideration prevent you from coming boldly forth to the RESCUE! Our brethren from the United States are, by hundreds, in the field, leading the vanguard for our defence; and shall we look to others alone, for that protection from dangers so alarming? NO TEXIANS! shoulder your rifles, join our PATRIOTIC FRIENDS, and by one united and well-directed effort, teach the tyrant of Mexico and his hirelings, that the sons of the BRAVE PATRIOTS OF '76 are invincible in the cause of FREEDOM AND THE RIGHTS OF MAN.

D. C. BARRETT, chair'n.

J. D. CLEMENTS.

ALEX. THOMPSON.

G. A. PATILLO.

JOHN McMULLAN.

JOHN MALONE.

JOHN S. LANE.

San Patricio, Feb. 6th, 1836.

DEAR SIR: Don Placido Benavides has just arrived, and brings disagreeable intelligence. Gonzales' command is entirely dispersed, and twenty-two men taken prisoners. Three hundred cavalry and three hundred infantry have arrived at Matamoras, which in addition to the garrison makes the effective force now there 1,000 men, and more are expected shortly. Cos and all his officers from Bejar are raising troops to march on Texas. One thousand men are already on the Rio Rio. One thousand more on the march to the Rio Grand, destined for some point of Texas; and forces are gathering rapidly in all directions for the same object. It is believed that an attack is intended on Goliad and Bejar simultaneously.

Roderigus has broken his parole since 5 o'clock this evening, and as I have but 18 effective men here and no horses, I could not pursue him.

The inhabitants of Tamaulipas are generally in favor of (1824), but are so much oppressed by the military, that many of the principal men having been arrested, they are completely fettered. Santa Anna caused a report to be set afloat that he was with the troops at Matamoras, but it is ascertained beyond all doubt that he is on the way to the Rio Grande for the purpose of pushing on those forces.

Don Placido deems it of the utmost importance that troops be sent to Bejar as well as others retained in this direction and also assures me that Santa Anna wishes to draw the troops of Texas out of Matamoras, in hopes to throw a strong force in their rear, while he makes his attack on the upper part of the colonies. This information he received from the first alcalde of Matamoras. He has been within 20 leagues of the town and corresponded with him.

The people of Tamaulipas as well as those of the Rio Grande complain much of Dimitt's proclamation, and would have acted with more decision were it not for that act, but they fear it is now almost impossible; but are still anxious for the cause. The cavalry are the choice troops from the interior, they are

armed, every one, with lance, musket, pistols and sword, and Santa Anna has sworn to TAKE TEXAS OR LOSE MEXICO.

Doctor Grant has been out two days with thirty men. I feel very anxious about him. I intended to have sent you more wagons to-morrow morning early, and in fact had the oxen yoked to start before day-light, but shall now await your further orders.

Cos is actually with Seizma and also Ugartchiers. They have 1,000 spare horses and a large number of pack mules.

It is with regret, but I am absolutely obliged to give doctor Hoyt your horse to carry him with this. Yours most sincerely,  
ROBERT MORRIS.

P. S. To raise funds and provisions, Cos causes each man to give an inventory of all he possesses with valuation of each article, on which he demands one per cent. every twenty days, he then sends two men to make the appraisal over, and if he finds that they make a return higher than the owners, he demands three per cent. in lieu of one; and each family has to furnish a fanega of corn also, every twenty days, and even causes the women to grind it, without respect to station. His soldiers have assassinated many of the most influential citizens, and the wives and daughters are prostituted—the whole country is given up to the troops to induce them forward. R. M.

#### ADVANCE OF THE MEXICAN ARMY AND RE-CAPTURE OF SAN ANTONIO.

The New Orleans Bee of the 15th ultimo, states that it was currently reported that the town of San Antonio had fallen into the hands of Santa Anna and his army—about 4,000 in number. By forced marches, Santa Anna took the citizens by surprise; and they were obliged to surrender or fly into the garrison. There were about 200 in the fort, well prepared and furnished with provisions. When Santa Anna sent them orders for an immediate and unconditional surrender, they replied that he should first attest their strength; and that they were capable of holding out against any force of his, even if it contained 5,000 men.

There were 700 Texians encamped some miles distant. These immediately hastened to the camp, resolved to cut off the retreat and supplies of the invading army. San Antonio may therefore be the grave of Santa Anna; not only the triumph of Texas independence but of Mexican liberty.

A deplorable apathy has recently manifested itself in the Texian army, all were anxious not to be garrisoned in San Antonio; and hence perhaps the capture. The journals of San Felipe greatly complained of this spirit, and say that those who were determined to capture the town formerly, were solicitous to leave it to its present fate.

The Texian commissioners are beating up for recruits and loans in Kentucky and Tennessee. Cols. Archer and Wharton arrived in Louisville on the 3d inst. and col. Wm. H. Wharton, lately wrote ourselves an encouraging letter from Nashville.

\*Since writing the above, we have been informed on creditable authority that our statement is correct in general. Col. Travers is in command of the garrison at San Antonio; and is determined to act with vigor. But our informant states that the force gone to the relief of the town amounts to 1,200 men, well equip, prepared and provided. He also believes that general Cos and not Santa Anna has surprised the town; and that the number of the besiegers is not greater than 1,000; who advanced stealthily by forced marches through unfrequented ways. The main body of the Mexican army—either from fear of the Texian rifles, or from disaffection to the cause of Santa Anna—did not and will not enter Texas. Cos has advanced to retrieve his character—but also to ruin it, as he passed his *parole d'honneur* not to fight against the Texians. He will now receive condign punishment; and find his grave where he lost his fame.

#### From the New Orleans Bee.

Yesterday we reported the capture of San Antonio, as rumored; but we have not yet received any corroboration of that statement, although we believe it correct. To-day we are enabled to present an official account of the first skirmish between the Mexicans and Texians, published in the *Mercurio* or *Matamoros*, of the 7th inst. It was transmitted for publication to general F. V. Fernandez, by the writer general Urrea as sent to Santa Anna; and furnishes a ludicrous specimen of the Bombastes Furioso style:

*Army of operations—division of Goliad.* Sir, according to information received after my leaving Matamoros, I learnt that the insurgent forces stationed here had sent their cavalry towards Goliad, for the purpose of making incursions. I therefore made an effort; I vanquished all difficulties, and forcing a march during three days and nights, I arrived here at the dawn of day—not having with me more than 100 cavalry men. I attacked the enemy, who defended himself with firmness in the houses that served for barracks. But even there he left 16 dead; and 21 taken prisoners or wounded—among whom were some officers—There are 5 Mexicans among the prisoners. All the arms with 100 horses are in my possession.

I have the pleasure to inform you of this triumph obtained by the Mexican arms; and however feeble it may be, it will suffice to prove to our proud and scornful enemy what the valor and courage of Mexican soldiers can effect: for in short those with me rushed into the midst of the affray like lions; and in a moment they hewed the rebels in pieces, none of whom escaped from this city.

I have however to lament the death of a brave dragoon, who was slain; and also three other dragoons and a sergeant wounded.

I am now in search of doctor Grant, who (according to the information that I received) is now in the neighborhood of Mier, with 50 riflemen; and I know, not what number of Mexicans.

I shall hereafter give you a more detailed account of the affair, and conclude in assuring you that all the soldiers composing this division are fraught with enthusiasm; and burn to distinguish themselves in defence of the sacred rights of the nation. I am, &c.  
JOSE URREA.

God and liberty! San Patricio, 27th Feb. 1836.  
To his excell. the president, D. Antonio Lopez de Santa Anna, general in chief of the army of operations.

Another document dated 7th March, from San Patricio, gives an account of another victory in similar terms.  
To col. D. Jose M. Guerra.

My very respectable chief,—yesterday at 3 p. m. we commenced an attack on the rebel columns, below the habitation of Agua dulce. The surprise occasioned them by our ambuscade was such that they did not perceive us till they were in our power. They fired a few pistol shots; but so very badly directed that they only wounded one horse. We charged them in the plain for the distance of two leagues and a half; and pursued them as if they were savage horses (mestanos). They forgot they carried muskets and pistols, with which they had learned to direct their fires. Thirty-two dead were found on the field of battle; and we took 4 prisoners. Among the slain were col. Grant, major-general Morris, a captain and a lieutenant of artillery. The fact is that our troops pursued them with poised lance which was sufficient to achieve all. I am &c.  
NICOLAS RODRIGUES.

#### From the same.

*Important from Texas.*—By the arrival of a vessel at New Orleans, in seven days from Matagorda, the New Orleans Bee has obtained the following particulars of the late seige by the Mexicans of San Antonio de Behar.

The besieging army was commanded by generals Sesma and Cos. It consisted of 40 companies of infantry, numbering at an average of 60 or 70 men each; and of about 1,500 cavalry under Folisalos—with 500 mules and baggage of all kinds. These were seen and numbered by captain. Dermit of the Texian army, previous to the engagement. The Texians in the fort were infantry and some cavalry for foraging expeditions under the command of colonels Bowie and Travers—numbering about 200.

The assault on the fort of Alamo in the town of San Antonio commenced about 3 p. m. on the 28th of February, the Mexican army hoisting a black flag aloft as indicating no quarters. The garrison being well supplied with 18 pounders planted on the fort, made them ply with dreadful effect, sweeping companies of the assailants before the shot. The Mexicans surrounded the fort on all sides, but on all sides were they saluted with its artillery. This continued till 7 p. m. when the Mexicans thought proper to evacuate the town, and retire to an encampment within two miles—after leaving 500 of their comrades slain before the fort.

The provisional government of Texas being informed of the contest, an immediate draft of one-third of all Texians capable of bearing arms were ordered by the acting governor. But so eager were the Texians in general for their prompt and certain triumph, that when the order reached Matagorda, not one-third only but all able bodied citizens volunteered. Numerous companies were immediately on the march to San Antonio, to drive the Mexicans beyond Rio Grande, or leave them on the field of battle. They will act on the offensive in their future operations.

Doctor Grant is not killed: he, colonel Johnson and another were saved. It appears that Grant and some 20 or 30 others had gone on a scouting party, and had approached too near the invading army. They were immediately attacked by a column of the enemy, and only three escaped—Grant among the number, exhausted and almost naked, as he was closely pursued by the Mexican cavalry.

The Mexicans have abandoned Copano, and fortified Labadie or Goliad, higher up. There are now 700 men stationed there, well prepared with artillery and ammunition, and disposed to play checkmate with the wing of the Mexican army, under general Urrea, lately encamped at San Patricio.

#### From the Matamoros Mercurio of March 4th.

The president pro. tem. of the Mexican republic, has ordered the ports of Matagorda, la Baca, San Luis, Galveston, Brazoria, Harrisburg, Goliad, Anahuac, Copano, and all the intermediate ports on the coast of Texas from long. 94 50, to 101 W. of London, to be closed against all foreign commerce.

This law will be in force in 30 days after its promulgation in this city, for all foreign vessels in the Mexican waters, and 90 for those from foreign ports, and will continue in force till further disposition of the government.

Signed,  
commandant general of Nuevo Leon and Tamaulipas.

TONNELL,

Extract of a letter from a gentleman residing in Texas to his friend in New Orleans:—

“By the latest information, Santa Anna was upon the frontiers, with from 6 to 8,000 men, and was determined upon the