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THE PAST—THE PRESENT—FOR THE FUTURE.

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U. S. SENATOR. On Friday the 17th inst. *Richard H. Bayard*, esq. was elected a senator of the U. States from Delaware, in place of the hon. Arnold Naudain, resigned. For Bayard 17, for James Booth 6; scattering 4.

In the senate on Friday the 17th inst. the bill to regulate the deposits of the public money, which had been ordered to be engrossed on the previous day, was passed by a vote of 38 yeas to 6 nays. On Monday last it was taken up in the house of representatives, and, after an ineffectual attempt to commit it to a committee of the whole with instructions to separate it into two bills, one to regulate the deposits, the other to provide for the distribution of the surplus revenue among the states, made the order of the day for the following day and every day thereafter, until disposed of. On Tuesday it was taken up and debated from 12 o'clock M. (excepting during the daily recess), to nearly nine, P. M. and, the 15th section having been stricken out, on motion of Mr. Anthony, and another substituted making the states mere depositaries of the surplus revenue, was ordered to a third reading by a vote of 163 to 43, and read a third time and passed by a vote of 155 to 33. It was then returned to the senate—which promptly concurred in the amendment. The yeas and nays, and all important particulars, are given in subsequent pages. On Thursday last the bill was signed by the president, the amendment of Mr. *Anthony* having, as will be seen by the official statement of the *Globe*, published below, removed the constitutional objections which he entertained in relation to it as it passed the senate.

Thus is settled one of the most important questions which has for a long time agitated the public mind, and in a manner, we hope, that will forever ally those heart burnings and jealousies which have produced so much dissension among the states, and caused some of them to view the government as an unkind step-mother who distributes her favors with a partial hand. But the manner and the effect are not more commendable than was the necessity apparent, of making some disposition of the vast amount of money, (nearly forty millions) which is in charge of the deposit banks; for with all the vigilance the treasury department has used or could exert, it is not fair to suppose, from the nature of things, that that vast sum can be kept by so many agents, admitting they are honestly disposed to do their duty to the government, without considerable loss to the people. And, indeed, we will be agreeably disappointed if the "experiment," when tested in January next by a settlement of balances in the deposit banks, preparatory to a division of the surplus revenue, will not cause a "panic" founded upon real causes; for a great portion of the payments into the treasury must come from the borrowers from the deposit banks, which must have exercised great foresight if able to refund the deposits without pressing their creditors. The pressure may only be temporary, but will necessarily produce great derangement in the money market, and be destructive to many worthy individuals.

The Washington "*Globe*" of yesterday contains the following article, which it says it is warranted in saying embraces the views of the president on this interesting subject; and may therefore be regarded as an official exposition in advance of the detailed statement which it is intimated the president may hereafter lay before the people.

From the Washington Globe of yesterday.

The deposit bill has been approved by the president. The most important feature in this act is that which makes the several states the depositories of all the public moneys which may be in the treasury on the first of January next, over the sum of five millions of dollars, on their passing laws, pledging the faith of the states re-

spectively to pay the warrants of the treasury in the manner prescribed. By an amendment introduced by an overwhelming majority of the house of representatives, all the features of the bill which went to make the proposed transfer of the money to the states a loan or gift, were struck out, and as the act now stands, they are to be mere depositories, like the banks in which the public moneys are now kept.

We hazard nothing in saying, that had the bill passed as it went from the senate, as anxious as the president was to see the public deposits regulated by law, and as painful as it would have been to separate on any subject from many of his most valued friends, it would have received his decisive veto. We have been surprised that any one who has read his annual message of 1829, and his veto messages on the Maysville road bill, and Mr. Clay's land bill, would for a moment anticipate any other result.

We are equally warranted in saying that the president has approved the amended bill, not because he thinks it judicious to make the states the depositories of the moneys of the United States, but because the plan is not obnoxious to constitutional objections; because it has been presented by a majority of the people's representatives, to whom the question of expediency on this subject peculiarly belongs; and because, by settling the question in relation to the public deposits, it disarms faction, and renders it more difficult for the money power to reorganize itself under the charter of a new national bank.

He thinks it impolitic and unsafe to mix up the affairs of the United States with those of the several states, and that the chances of perpetuity for our admirable system of government are increased in proportion to the clearness with which the lines which separate their several powers, duties and interests, are defined and maintained. It is probable he will take some fitting occasion to make known to his countrymen, in detail, the views he entertains on this vital subject. It is only necessary now that they should know, that in approving the deposit bill he does not intend to countenance, in the least degree, the idea of raising money by the general government for distribution among the states, thus lessening the responsibility of the state governments in taxing the people, and at the same time encouraging extravagant expenditures; making the states, instead of independent sovereignties, the mere stipendiaries of the general government; perverting the power of taxation given in the constitution to purposes never thought of by its framers; corrupting the sources of legislation; tending to consolidation; and ultimately destroying all that is pure and valuable in the structure and administration of our political system.

The president believes that it is bad policy, as well as unconstitutional, to raise money from the people for the purpose of distributing it among the states. He believes that when the revenues of the general government shall produce more than enough to supply its legitimate wants, it is the duty of congress forthwith to reduce the taxes upon the people. To collect for the purposes of distribution, is neither politic or economical. It is not politic, because it necessarily increases the corps of public officers, and consequently the influence of the government. It is not economical, because the people have to pay the salaries of those who manage the process and guaranty their integrity. Is it not better that the farmer's dollar should be left in his own pocket, than that it should be taken out by taxes, direct or indirect, and, after a year's detention, be handed back to him or to his state legislature, with a deduction of twenty cents to pay collectors and clerks who have been employed to take it away and bring it back? The same principles apply to all classes of society and to society itself, with the exception of those only who profit by high taxes.

INDIAN NEWS. We have a vast mass of articles before us in relation to the progress of the Indian war—but the accounts are so vague and contradictory that it is almost impossible to arrive at the truth. The only event in Florida, we see stated, that can be relied on, is an account of an attack by the troops under major Heilman, upon a body of 150 Indians near Micanopy, in which the latter were defeated with the loss of several warriors. Maj. H. had four men wounded but none killed.

Gen. Clinch, recently appointed to the command of all the forces, was expected daily at St. Augustine. A company of mounted volunteers had arrived, under the command of captain Curry, and had been mustered into the service for six months. The Indians had captured a considerable number of cattle.

It was reported at Augusta on the 17th, that, on the 14th, a body of two thousand Indians had crossed the Chatahoocchie, near Roanoke, on their way to Florida, and had killed some white men in Stewart county.

The Mobile Chronicle, of the 8th, states that the 21 Indians, taken prisoners of war and lodged in jail at Montgomery, had made their escape. The jail is described as a miserable old building without any guard.

Several of the Georgia papers speak very incredulously of the reported Indian massacres, and intimate pretty broadly that the war is carried on rather against than by them. There was quite a distressing account, setting forth how the Gwinnett troop had been attacked by a large body of the savages, and all killed except three—but it was afterward said, with more appearance of truth, that only three had been killed. A well-written letter, dated at Dahlonega, Lumpkin county, June 11, says that the Cherokees are indeed restless, but not more so than they have been for years, and scents the idea of their proceeding to hostilities. The deputation from that nation, now at Washington, has also denied the existence of a hostile feeling to the whites among the Cherokees.

Gen. Scott was indispensed at the last accounts.

Major Gates was recently stricken from the rolls of the army of the United States by the president, on the reception of the proceedings of the court of inquiry, called at the instance of major Gates, to investigate his conduct subsequent to the attack on Volusia, on the St. Johns' river in Florida, in April last. We will publish the proceedings of the court, &c. in our next.

The "Intelligencer" of Thursday says—In the brief debate yesterday in the senate upon the amendment made by the house to the senate bill, Mr. Clay took occasion to express his approbation of the amendment, upon its merits, as an improvement of the bill. But, were he less satisfied, he intimated he should yet vote for it out of his tenderness for constitutional scruples entertained *elsewhere*, which it was supposed the amendment would have the effect to remove.

Col. Wharton, one of the Texian commissioners, has, over his own signature, contradicted the rumor that there was a project on foot to deprive gen. Houston of the command of the army and place gen. Hamilton, of S. C. at the head of it. Gen. Hamilton has, also, in a letter to the editor of the Charleston Mercury, indignantly repelled the imputation that he had knowledge of or sanctioned such a plot.

Albion K. Parris, of Maine, has been appointed second comptroller of the treasury, in the place of Mr. Thornton, appointed charge to Peru.

A duel was fought near Washington on Thursday last between two officers of the navy, in which one of them was killed at the second fire.

ARMY GENERAL ORDER.

Adjutant general's office, Washington, May 26, 1836.

Should major general SCOTT and brigadier general CLINCH not continue on duty in Florida, governor Call, under instructions from the war department, is, in such event, authorised to take command of the regular troops of the United States, and of the militia serving in Florida. The orders of the governor of Florida will be obeyed accordingly; and his requisitions on the

several departments of the general staff will be promptly complied with. By order:

R. JONES, *adjutant general.*
The absence of major general SCOTT from Florida, who is now commanding in the Creek nation, and the resignation of general CLINCH, which, we understand, has been accepted by the president, places the conduct of the campaign with the governor of the territory, as seen by the above "general order."
[Globe.]

CHESAPEAKE AND DELAWARE CANAL. Our readers will perceive by the legislative proceedings in our paper of to-day that the bill to authorise the final settlement of the controversy between the Chesapeake and Delaware canal company, John Randel, junior, and its other creditors, passed both houses of the legislature by a unanimous vote. The bill carries out all the suggestions of the governor's message, a perusal of which will make any one acquainted with the details of the law. All parties, whether stockholders or creditors, are now fully satisfied.

The controversy has terminated in a settlement upon just and equitable principles. What is best of all, the public will rejoice to learn, that this canal, which is one of the most splendid and useful of all the works of internal improvement in this country, is now open for vessels drawing from six to seven feet water; and by this arrangement, is now free for ever from any obstruction to the navigation. The trade of the canal is said to have doubled beyond any thing known, before this arrangement was made. [Newcastle Gaz.]

Mr. BROOKS, in one of his late letters from Europe, thus speaks:

"Newspapers are precious and scarce. The postage is immense. A stray Galignani (an English newspaper printed in Paris), may now and then be seen, and the sight of one is a precious treasure; but almost all I learn from the United States is in the little journals of Italy, which are about as large as one-eighth part of the National Intelligencer of Washington. They tell me the union is breaking up; that riots and rows are desolating the whole land; that the slaves are rebelling, and that a servile war is threatened. And they rejoice loudly, as they hold up this admonition of the folly of men attempting to govern themselves. Nothing so much delights them as this last demonstration, as they call it, of the impossibility of a republic, even when founded under the most favorable circumstances. The Lynch laws particularly delight them. The Mississippi gamblers, Lynched as they were, are nevertheless compensated with an immortality in every despot's journal in Europe. The slave missionaries are wearing a crown of glory here, as martyrs of a mad democracy. How true all these things are, I have no means of telling; for all I see is in the little Italian journals, which are particularly occupied with such of our affairs as tend to discredit all republican institutions. And, perhaps, one of the greatest pleasures of travelling is to read such news of one's own country in a foreign land, particularly when it is probable that all is at least founded on fact. The emperor of Austria, it is said, has seized this occasion to inspire his Italian subjects with a horror of all republican institutions, by making it optional with some state prisoners in Italy—whether they will choose the punishment of death at home, or banishment to the United States!"

THE GREAT CARVER CLAIM. It is well known that a claim exists to an immense tract of country, partly within the limits of the United States, situated mostly on the upper waters of the Mississippi. The foundation of the claim, we believe, is this: In the years 1766 and 1767, Jonathan Carver, a native of Connecticut, a man of enterprise and of a speculative disposition undertook to explore the vast unknown territory then recently acquired by the English from the French, by the conquest of Canada. He spent a year or two in examining the country around the upper branches of the Mississippi, Lake Superior, &c. and in becoming acquainted with the customs and manners of the savage inhabitants. He had hoped to discover and establish a line of communication between Hudson's bay and the Pacific ocean, and thus open a shorter and safer route for the English trade to China and the East India settlements. He was obliged to return, however, without effecting his object. During his stay he purchased of the Indian chiefs residing near the falls of St. Anthony, on the Mississippi, a tract of land, the boundary line of which commenced at the falls of St. Anthony and went down to Lake Pepin; thence five days journey west, to another specified limit; thence six days journey north to another specified limit, and thence back to the starting point. A day's journey was understood to mean about twenty miles. After obtaining this grant from the Indians, it is said that Carver went to England and obtained a confirmation from the English government. The tract, so easily obtained by Carver, is large enough for the basis of an independent state, comprising, as it does, thousands of square miles of fertile territory, watered by noble streams. It lies near the greatest mining district in the world, and is supposed to contain inexhaustible mineral treasures. Notwithstanding the possession of this vast estate, with an area larger than that of many European kingdoms, Carver died in England, in the year 1780, in a state of the utmost destitution. He left a wife and six or seven children in this country.

Some of his descendants reside in Deerfield and Montague, in the state of Massachusetts. Deeds of portions of this tract have been repeatedly given during the last fifty years by heirs in Deerfield and elsewhere, and a number of townships on the tract have lately been settled by persons claiming under these deeds. The utmost confidence is felt by many in the validity of the title; and at any rate the prize is sufficiently splendid to be well worth a contest. The Greenfield Mercury, from which we glean most of these particulars, states that some excitement exists in some parts of that county and elsewhere, in respect to this great land claim, which the recent rapid settlement of the west has brought into notice and importance.

[*Boston Times.*]

NIAGARA FALLS FOR SALE. Mr. Rathburn and the other proprietors of the village of Niagara Falls, offer for sale in the Black Rock Advocate, this valuable property with its admirable water facilities. The water and manufacturing facilities of this tremendous torrent of all the contents of the great lakes above falling down a precipice of 150 feet, are no doubt immense—enough to satisfy the ambition of the most ultra-tariff man. Combining also a scenery which for grandeur and sublimity, is unequalled in the world, and which would make a paradise for a Shakspeare, a Goethe, or a Byron, if poets unfortunately were not all too miserably poor to purchase even the meanest garret, much less such a home as this.

TWENTY-FOURTH CONGRESS—FIRST SESSION.

SENATE.

June 16. Some errors having occurred in the *Intelligencer's* report of this day's proceedings, in consequence of the situation of the reporter, which places it out of his power to state, at all times, with desirable precision, motions made for amendments, &c. the editors have published an account of the proceedings on the deposit bill, made up from the official journal of the senate—which we also publish that our abstract of the proceedings, which was copied from the *Intelligencer*, may stand corrected, viz:

The senate resumed, as in committee of the whole, (Mr. King, of Alabama, in the chair), the consideration of the bill to regulate the deposits of the public money.

On motion of Mr. Wright, that the bill, the substitute reported by the select committee, and all the amendments made to the same in committee of the whole, be recommitted to the committee on finance, with instructions to separate those portions of the bill which regulate the deposits of the public money in the banks from those portions which propose a distribution of the public money to the states, or a deposit of that surplus with the states, and to bring in two bills embracing each class of the provisions separated from each other, the vote was, as already stated, yeas 21, nays 25. So the motion was lost.

On motion by Mr. Walker, to amend the reported amendment by striking out the words "amounts of population as ascertained by the last census, according to the provision of the second section of the first article of the constitution," and inserting "representation in the senate and house of representatives of the congress of the United State," it was determined in the affirmative—yeas 23, nays 22.

On motion by Mr. Wright, to amend the reported amendment by striking out the 13th and 14th sections thereof, and inserting the following:

"Sec. 13. *And be it further enacted,* That the commissioners of the sinking fund be hereby authorised and directed, at the commencement of every quarter of the year, to examine into the condition of the treasury, and the probable amount of receipts and expenditures during that quarter; and if, in their opinion, the money in treasury during the quarter will generally exceed — millions of dollars, it shall be their duty to cause the sum equal to the supposed excess to be drawn out of the treasury and invested, in the name and on the behalf of the United States, in stocks or other securities issued by or on behalf of some one of the states of this union, bearing upon their face the guaranty of the faith and credit of the state issuing the same for the payment of the interest and the final redemption of the principal of the said stocks or other securities; and being also upon their face transferable by assignment, or in some other manner, at the pleasure of the holder; and in case the said commissioners, upon any such examination into the condition of the treasury at the commencement of any quarter, shall be satisfied that the money in the treasury, for that quarter, will generally fall short of the sum above specified, then it shall be their duty to order a sale or sales of such part or portion of any such stocks or other securities owned by the United States, as will produce a sufficient sum to make up the supposed deficiency, the proceeds whereof shall be paid into the treasury.

"Sec. 14. *And be it further enacted,* That said commissioners of the sinking fund shall be governed, in making such investments or sales, by the current and customary prices of stocks in the commercial cities of the United States. And, at the commencement of every year, said commissioners shall make a detailed report to congress of all their doings and proceedings under the provisions of this act."

The question on this proposed amendment was determined in the negative—yeas 4, nays 39.

On motion by Mr. Benton, to amend the reported amendment by striking out (Sec. 13, line 5), the words "deposited

with," and inserting "loaned to," it was determined in the negative—yeas 5, nays 37.

The amendment reported by the committee having been agreed to by the committee of the whole, and reported to the house—

On motion by Mr. Webster, to amend the reported amendment by striking out of Sec. 13, line 6, the words "representation in the senate and house of representatives of the congress of the United States," and inserting, in lieu thereof, "amounts of population as ascertained by the last census," it was determined in the negative—yeas 23, nays 23.

On motion by Mr. Tipton, to amend the bill by striking out the 11th section, as follows:

"Sec. 11. *And be it further enacted,* That whenever the amount of public deposits in any bank shall, for a whole quarter of a year, exceed the one-fourth part of the amount of the capital stock of such bank actually paid in, the banks shall allow and pay to the United States, for the use of the excess of the deposits over the one-fourth part of its capital, an interest at the rate of two per centum per annum, to be calculated, for each quarter, upon the average excesses of the quarter; and it shall be the duty of the secretary of the treasury, at the close of each quarter, to cause the amounts on deposit in each deposit bank for the quarter, to be examined and ascertained, and to see that all sums of interest accruing under the provisions of this section are, by the banks respectively, passed to the credit of the treasurer of the United States in his accounts with the respective banks."

The question on this proposed amendment was decided in the negative—yeas 7, nays 39.

On motion by Mr. Walker, to amend the reported amendment by inserting at the end of the 14th section these words: "Provided, also, that the amount directed by this act to be deposited with the state of Mississippi, be and remain deposited, without interest, in the Planter's bank of the state of Mississippi, until time be afforded for passing an act by the legislature of the state of Mississippi, authorising the receipt of the portion of that state under the provisions of this act."

The question on this amendment was decided in the negative—yeas 21, nays 24.

On motion by Mr. Black, to amend the reported amendment by striking out the 13th and 14th sections as follows:

"Sec. 13. *And be it further enacted,* That the money which shall be in the treasury of the United States on the first day of January, eighteen hundred and thirty-seven, reserving the sum of — millions of dollars, shall be deposited with the several states, in proportion to their respective representation in the senate and house of representatives of the congress of the U. States; and the secretary of the treasury shall deliver the same to such persons as the several states may authorise to receive it, on receiving certificates of deposit, signed by the competent authorities of such state, each for such amount and in such form as the secretary of the treasury may prescribe, which shall set forth and express the obligation of the state to pay the amount thereof to the United States, or their assigns; and which said certificates it shall be competent for the secretary of the treasury, in the name and behalf of the U. States, to sell and assign, whenever so directed by any act of congress, all sales and assignments, however, to be ratable, and in just and equal proportions, among all the states, according to the amounts received by them, respectively; and all such certificates of deposit shall be subject to, and shall bear an interest of five per centum per annum, payable half-yearly, from the time of such sale and assignment, and shall be redeemable at the pleasure of the states issuing the same.

"Sec. 14. *And be it further enacted,* That the said deposits shall be made with the said states, in the following proportions, and at the following times, viz: one quarter part on the first day of January, eighteen hundred and thirty-seven, or as soon thereafter as may be; one quarter part on the first day of April; one quarter part on the first day of July, and one quarter part on the first day of October, all in the same year."

The question on this proposed amendment was decided in the negative—yeas 7, nays 39.

The reported amendment was then agreed to, and the bill, as amended, ordered to be engrossed for a third reading—yeas 40, nays 6.

June 17. The chair laid before the senate a communication from the hon. *Arnold Naudain*, of Delaware, resigning his seat in the senate of the United States.

After the transaction of some business of minor importance, the bill supplementary to the act making appropriations for the support of government for the year 1836 was taken up and passed, as was the bill to authorise the governor and legislative council of Florida to sell the lands granted to that territory for the support of seminaries of learning.

The engrossed bill to regulate the deposits of the public money, &c. was read a third time; and the question being on its passage, Mr. Wright made some remarks in opposition to the bill, in the course of which he introduced some calculations of the appropriations already made, and those which remain to be made, in order to show that, at the end of the present year, the whole of the revenue, ordinary and surplus, will be consumed.

Mr. Calhoun made some remarks, in reply, on the extravagance of the administration, which had raised the annual expenditures from twenty-two millions to sixty-six millions. He regretted that the bill had not passed unanimously, which would have been a proud monument to our patriotism. Such would

have been the case had the friends of the bill received the aid of the senator from New York. Mr. Walker defended the ratio of distribution which he had offered from the attack made on it by the senator from New York. Mr. Buchanan and Mr. Webster addressed the senate, after which Mr. Benton moved to lay the bill on the table until the important appropriation bills should have been acted on. He withdrew the motion, while Mr. Rives spoke in favor of the bill, at some length. Mr. Tallmadge followed in a series of remarks also in favor of the bill. Mr. Wright made some remarks in explanation of several things that had fallen during the debate, and in opposition to the bill. Mr. Shepley said he had wished to state the reasons of his vote, but would take some other occasion, and hoped the question would be taken at once. Mr. Clay took the floor, and spoke at length in favor of the bill, and in general congratulation of the determination which seemed to pervade the senate, without distinction of party, to check extravagant expenditures and provided for the safety of the public moneys. Mr. Niles made a few remarks. Mr. Calhoun expressed a hope that the harmony of the debate would not be disturbed. He thought there was no mischief in the measure, and it was a mere measure of precaution. Mr. Webster called for the yeas and nays; which were ordered.

The question being taken on the passage of the bill, it was decided in the affirmative, as follows:

YEAS—Messrs. Buchanan, Calhoun, Clay, Crittenden, Davis, Ewing, of Ill. Ewing, of Ohio, Goldsborough, Hendricks, Hubbard, Kent, King, of Alabama, King, of Georgia, Knight, Leigh, Linn, McKean, Mangum, Moore, Nicholas, Niles, Page, Porter, Prentiss, Preston, Rives, Robbins, Robinson, Ruggles, Shepley, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wall, Webster, White—38.

NAYS—Messrs. Benton, Black, Cuthbert, Grundy, Walker, Wright—6.

The senate then adjourned.

June 18. Mr. Morris being absent yesterday when the vote was taken on the passage of the bill to regulate the deposits of the public money, asked for leave to record his vote in the affirmative, and leave was granted. After the disposition of a number of petitions, bills, &c. chiefly of a private character,

Mr. Clay, from the committee on foreign relations, to whom were referred the resolutions of the legislature of Connecticut, and a number of memorials and petitions from various quarters, praying for the recognition of the independence of Texas, made the following report:

The committee on foreign relations, to whom were referred resolutions of the legislature of Connecticut, sundry memorials, and other proceedings of various meetings of the people, all recommending the recognition of the independence of Texas, has, according to order, had them under consideration, and now beg leave to submit to the senate the following report and resolution:

The right of one independent power to recognise the fact of the existence of a new power, about to assume a position among the nations of the earth, is incontestable. It is founded upon another right—that which appertains to every sovereignty to take care of its own interests, by establishing and cultivating such commercial or other relations with the new power as may be deemed expedient. Its exercise gives no just ground of umbrage or cause of war. The policy which has hitherto guided the government of the United States in respect to new powers has been to act on the fact of their existence, without regard to their origin, whether that has been by the subversion of a pre-existing government, or by the violent or voluntary separation of one from another part of a common nation. In cases where an old established nation has thought proper to change the form of its government, the United States, conforming to the rules which have ever governed their conduct, of strictly abstaining from all interference in the domestic concerns of other states, have not stopped to inquire whether the new government has been rightfully adopted or not. It has been sufficient for them that it is in fact the government of the country in practical operation. There is, however, a marked difference in the instances of an old nation which has altered the form of its government, and a newly-organized power which has just sprung into existence. In the former case, (such, for example, as was that of France), the nation had existed for ages as a separate and independent community. It is matter of history; and the recognition of its new governments was not necessary to denote the existence of the nation; but, with respect to new powers, the recognition of their governments comprehends, first, an acknowledgment of their ability to exist as independent states, and, secondly, the capacity of their particular governments to perform the duties and fulfil the obligations towards foreign powers incident to their new condition. Hence, more caution and deliberation are necessary in considering and determining the question of the acknowledgment of a new power than that of the new government of an old power.

The government of the United States has taken no part in the contest which has unhappily existed between Texas and Mexico. It has avowed its intention, and taken measures to maintain a strict neutrality towards the belligerents. If individual citizens of the United States, impelled by sympathy for those who were believed to be struggling for liberty and independence against oppression and tyranny, have engaged in the contest, it has been without the authority of their government. On the contrary, the laws which have been hitherto found necessary or expedient to prevent citizens of the United States

from taking part in foreign wars have been directed to be enforced.

Sentiments of sympathy and devotion to civil liberty, which have always animated the people of the United States, have prompted the adoption of the resolutions and other manifestations of popular feeling which have been referred to the committee, recommending an acknowledgment of the independence of Texas. The committee shares fully in all these sentiments; but a wise and prudent government should not act solely on the impulse of feeling, however natural and laudable it may be. It ought to avoid all precipitation, and not adopt so grave a measure as that of recognizing the independence of a new power until it has satisfactory information, and has fully deliberated.

The committee has no information respecting the recent movements in Texas, except such as is derived from the public prints. According to that, the war broke out in Texas last autumn. Its professed object, like that of our revolutionary contest in the commencement, was not separation and independence, but a redress of grievances. In March last, independence was proclaimed, and a constitution and form of government were established. No means of ascertaining accurately the exact amount of the population of Texas are at the command of the committee. It has been estimated at some sixty or seventy thousand souls. Nor are the precise limits of the country which passes under the denomination of Texas known to the committee. They are probably not clearly defined, but they are supposed to be extensive, and sufficiently large, when peopled, to form a respectable power.

If the population is small; if, when compared with that of the United Mexican States, amounting probably to not less than eight millions of souls, the contest has been unequal, it has nevertheless, been maintained by Texas with uncommon resolution, undaunted valor, and eminent success. And the recent signal and splendid victory in which that portion of the Mexican army which was commanded by gen. Santa Ana, the president of the Mexican government, in person, was entirely overthrown, with unexampled slaughter, compared with the inconsiderable loss on the other side, put to flight and captured, including among the prisoners the president himself and his staff, may be considered as decisive of the independence of Texas. That memorable event will probably be followed by negotiations which may lead to the acknowledgment by Mexico of the independence of Texas, and the settlement of its boundaries. And, under all circumstances, it might, perhaps, be more conformable with the amicable relations subsisting between the U. States and the United Mexican States, that the latter should precede the former in the acknowledgment of the independence of Texas. But if the war should be protracted, or if there should be unreasonable delay on the part of the Mexican government, the government of the U. States ought not to await its action.

The recognition of Texas as an independent power may be made by the United States in various ways: 1st, by treaty; 2d, by the passage of a law regulating commercial intercourse between the two powers; 3d, by sending a diplomatic agent to Texas, with the usual credentials; or, lastly, by the executive receiving and accrediting a diplomatic representative from Texas, which would be a recognition as far as the executive only is competent to make it. In the first and third modes the concurrence of the senate, in its executive character, would be necessary; and, in the second, in its legislative character. The senate alone, without the co-operation of some other branch of the government, is not competent to recognise the existence of any power.

The president of the United States, by the constitution, has the charge of their foreign intercourse. Regularly he ought to take the initiative in the acknowledgment of the independence of any new power. But, in this case, he has not yet done it, for reasons which he, without doubt, deems sufficient. If, in any instance, the president should be tardy, he may be quickened in the exercise of his power by the expression of the opinion, or by other acts, of one or both branches of congress, as was done in relation to the republics formed out of Spanish America. But the committee does not think that, on this occasion, any tardiness is justly imputable to the executive. About three months only have elapsed since the establishment of an independent government in Texas; and it is not unreasonable to wait a short time to see what its operation will be, and especially whether it will afford those guarantees which foreign powers have a right to expect before they institute relations with it.

Taking this view of the whole matter, the committee conclude by recommending to the senate the adoption of the following resolution:

Resolved, That the independence of Texas ought to be acknowledged by the United States whenever satisfactory information shall be received that it has in successful operation a civil government, capable of performing the duties and fulfilling the obligations of an independent power.

Mr. Clay stated that the committee, he was happy to inform the senate, had been unanimous in their sanction of this report. He did not know that it was very important that the resolution should be acted on at this session. Yet, as there might be gentlemen who would desire to give their views on the subject, he would move that the report be printed, and made the special order for Thursday next.

Mr. Preston, in a tone which did not reach us in our remote position, expressed his acquiescence in the motion, and his

wish that a resolution offered by him some days since, calling on the president for a communication on the subject of any correspondence between him and the government or agents of Texas, on the subject of the condition, administration, &c. of Texas. The senate would then be able to decide whether any further action was necessary.

Mr. Clay said he hoped the resolution would be taken up. It would be very desirable to have the information which it asked for, in order to determine if any stronger measure was necessary than that now reported.

The motion of Mr. Clay was agreed to.

The resolution offered by Mr. Preston was then taken up and agreed to.

Some time was spent in the consideration of bills for personal or local objects, after which the senate, on motion of Mr. Benton, went into the consideration of executive business; and having remained a short time in secret session, adjourned.

June 20. The *chair* presented the credentials of Richard Bayard, elected U. States senator, by the legislature of the state of Delaware, to fill the vacancy occasioned by the resignation of the hon. Arnold Naudain. Mr. Bayard then appeared, and took the requisite oath and his seat.

The *chair* laid before the senate a communication from the secretary of the treasury, enclosing a report on the transactions of the mint, under the act of 1792.

Mr. Webster, from the committee on finance, to which was referred a resolution (Mr. Hubbard's) instructing the committee to inquire if the course pursued by the territorial legislature of Florida concerning the incorporation of banks did not require the interference of congress, and into the number of banking institutions in Florida established within the last three years, reported that the committee had attended to this business, and had come to a decision that the state of the banking institutions does require the attention of congress. He was, therefore, instructed to report a bill and joint resolution. It was certain that laws had been passed by the territorial legislature which should be disapproved and annulled. There was no doubt that congress had the power to disapprove or annul, although there might arise a question, in some cases, where the property to be acted on may have passed into the hands of a third person.—Such had been the lax state of the legislation in Florida on this subject, that persons having capital had gone thither expecting that, by the passage of extraordinary laws with unusual privileges, they might use their capital with greater advantage. Mr. W. concluded with reporting—

An act to prohibit the passage of acts incorporating banks in Florida, without the sanction of congress, and disapproving and annulling certain laws therein named.

A joint resolution disapproving of certain charters, &c.

The bill and joint resolution were read, and ordered to a second reading.

Mr. Webster gave notice that he should ask the senate on Thursday so take up these subjects.

After the reception of several other reports on the prayers of individuals, the senate, on motion of Mr. Grundy, took up the bill to change the organization of the post office department, the question being on non-concurring with the committee in an amendment by which the 43d and 44th sections were inserted, it was agreed to.

Mr. Grundy then moved to strike out the 43d and 44th sections. [These are the sections which relate to the taxes on the post office.] Mr. Davis offered to amend the motion by inserting as a substitute several sections making it lawful for postmasters in each village, town or city, to erect office boxes, graduating the price of those boxes in proportion to the population of the town or city, viz: boxes in cities or towns containing less than ten thousand inhabitants to be rented at any sum not exceeding one dollar each year; those in towns or cities containing more than ten thousand inhabitants and less than twenty thousand, at a sum not exceeding one dollar and fifty cents a year; those in towns or cities containing more than twenty thousand inhabitants, at a sum not exceeding two dollars a year. The expense of erecting the boxes to be defrayed by the United States, and a true account of the receipts arising therefrom to be returned to the post office department. The several deputy postmasters, except in the cities of New York and New Orleans, may, in addition to the other allowances made to them by law for their services, detain for their own use the revenue arising from said boxes, provided such revenue, when added to the other emoluments, shall not exceed the sum of thirty-five hundred dollars in a year; in which case, the balance shall be paid as other revenues to the general post office. The deputy postmasters may detain in their respective hands from the revenue of said boxes until that, with their other emoluments, amounts respectively to four thousand dollars.

A debate now ensued in which the merits of the proposition were discussed at some length; when, finally, Mr. Grundy's proposition to strike out was carried—ayes 25. The question was next taken on Mr. Davis' motion to amend, which was lost—ayes 16, noes 23. Mr. Buchanan then moved the following amendment: "Be it enacted, That each postmaster and deputy postmaster shall make quarterly returns of the amount received by him for the rent of boxes; and if the same shall exceed the sum of two thousand dollars per annum, he shall account for and pay over the excess." Mr. Grundy opposed this amendment. He thought the postage on letters too high, and wished this subject to stand over to the next session and that the amend-

ment could be withdrawn. Mr. Buchanan refused to withdraw it; Mr. Webster then called for the yeas and nays; which were ordered.

Mr. Clay said this matter of perquisites was inconsistent with the genius of our government. He knew these perquisites existed, but he had never dreamt that the senate would have been seriously engaged in regulating these perquisites. They might as well undertake to regulate the perquisites of custom house officers. If a postmaster receives 1,000 dollars salary, and by means of his exactions can make another 1,000, the law is now to be changed so as to give him authority to do so. He was glad to find that the attention of the popular branch had been called to the subject, and that they had arrested this official abuse in the beginning. Mr. Grundy said that the boxes had been established at Boston above forty years ago. He wished the subject to remain over until the next session. Mr. Davis said this was a beginning of legal enactments on the subject, and he should, therefore, vote against the amendment. The question was then taken on the motion of Mr. Grundy, and decided in the negative—yeas 15, nays 29.

Mr. Preston moved to amend the bill by introducing a provision that the postmaster general shall keep all offers for contracts in a well bound volume, which shall also be reported to congress and published; which was agreed to. The amendment was agreed to; the bill was then reported to the senate as amended, the amendments concurred in, and the bill ordered to be engrossed and read a third time.

The message of the president of the United States, returning the bill to fix the day for the annual meeting of congress, &c. being the special order, was, on motion of Mr. Clayton, postponed till to-morrow, and made the special order for that day. The bills from the house on the table were read twice, and referred. The several bills ordered to a third reading were read a third time, and passed.

The senate proceeded to consider the bill to increase the present military establishment of the United States.

The question being on the amendment reported by the committee on military affairs as a substitute for the whole of the original bill,

The amendment was agreed to as in committee of the whole, and the bill, as amended, was reported to the senate.

Mr. Clay moved to strike out the first section of the bill. Mr. Benton asked for the yeas and nays on the question, and they were accordingly ordered. Mr. Calhoun required an estimate of the increased expense of the military establishment.

Mr. Benton replied that the cost per man was already fixed by law, and that the increase of cost was so easily obtained by the amount of the increase of number, that he had not thought it worth while to make any estimate. Mr. Preston expressed a desire to increase the army sufficiently to tranquilize the feelings of that part of the country which had been under apprehensions of danger, provided the cost to the country should not be too burdensome. He stated that the increase of expense was to be reckoned by the rank and file, as the officers had not been increased. Messrs. Crittenden, Linn and Calhoun made some observations; after which, the question was taken on the motion to strike out the first section, and decided as follows:

YEAS—Messrs. Crittenden, Ewing, of Ohio, Kent, Knight, Prentiss, Southard—6.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Calhoun, Cuthbert, Goldsborough, Grundy, Hubbard, King, of Alabama, Linn, Mangum, Morris, Nicholas, Niles, Page, Porter, Preston, Rives, Robinson, Ruggles, Tallmadge, Walker, Wall, White, Wright—25.

On motion of Mr. Preston, sections 12, 13 and 14, including the provisions for the increase of the ordnance department, were stricken out. On motion of Mr. Calhoun, the 15th and 16th sections relating to changes in the quartermaster's department, were stricken out. On motion of Mr. Nicholas, the 17th, 18th, and 20th sections were stricken out.

The bill was further amended by the insertion of a proviso, on motion of Mr. Calhoun.

The question being on the engrossment of the bill, the yeas and nays were taken, and it was decided as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Calhoun, Cuthbert, Goldsborough, Hendricks, Hubbard, King, of Alabama, King, of Georgia, Linn, Nicholas, Page, Porter, Preston, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, Wall, White, Wright—25.

NAYS—Messrs. Clay, Crittenden, Davis, Kent, Knight, Southard, Swift, Tomlinson—8.

Mr. Ruggles moved to postpone the orders to take up the bill to provide for the erection of a building for a patent office, which was agreed to—yeas 19. Some debate took place on this bill, which proposes to expend \$180,000 in the building of a patent office; but before any question was taken, on motion of Mr. Calhoun, the senate adjourned.

June 21. Mr. McKean presented the joint resolutions of the legislature of Pennsylvania, in favor of an equitable distribution of the surplus revenue among the states; which were read, laid upon the table and ordered to be printed. [For the resolutions see page 291.]

After the reception and disposal of several reports and resolutions which will be duly noticed hereafter, the bill to reorganize the general post office department was read a third time and passed.

A bill to increase the present military establishment of the United States was also read a third time and passed.

[This bill, as it has been amended, provides that there shall be added to each company of artillery of the army one-sergeant-major, one quartermaster-sergeant, two corporals, and twenty-seven privates; and to each company of infantry one sergeant-major, one quartermaster-sergeant, one sergeant, two corporals, and thirty privates; and to each company of dragoons one sergeant-major, one quartermaster-sergeant, and one saddler. The present regimental sergeants-major and quartermaster-sergeants, and first sergeants, to be discontinued, and in lieu thereof there shall be appointed, for each regiment, two sub-adjutants, with the rank, pay and emoluments of cadets. The bill further authorizes the president to assign to any officer of the army, when necessary, the duties of paymaster; and provides that five additional surgeons and ten additional assistant surgeons to the army be appointed. The bill also authorizes the president, when deemed expedient, to cause one of the regiments of infantry to be armed and equipped and to serve as a regiment of riflemen, and another regiment to be equipped and serve as a regiment of light infantry.]

The senate then proceeded, as in committee of the whole, to consider a large number of bills principally of a private nature.

[Among those of general interest was the bill organizing the navy of the United States, which was amended, on motion of Mr. Southard, by striking out "fifty" surgeons and inserting "sixty"—and the question being on its engrossment, it was, on motion of Mr. Buchanan, laid on the table.]

On motion of Mr. Shepley, the senate proceeded to the consideration of executive business; and after some time had been passed with closed doors, the senate adjourned.

June 22. After the usual morning business, the senate, on motion of Mr. Webster, proceeded to consider the amendment made by the house to the bill to regulate the deposits of the public money. The amendment having been read, Mr. Calhoun moved to lay it on the table to allow time for examination. The motion was agreed to. The senate then considered the amendments to the bill granting lands to the state of Alabama for purposes specified therein—which were concurred in.

Mr. Calhoun now moved that the senate proceed to consider the amendment to the deposit bill, which motion was agreed to. He then moved that the senate concur in the amendment. This motion gave rise to a brief debate in which Messrs. Webster, Morris, Buchanan, Calhoun, Clay, Clayton, White, Ewing, Benton and King, of Ala. participated. The amendment was then concurred in.

The senate then took up the message of the president, returning, with his objections, the bill to change the time of meeting of congress. The question being on the passage of the bill, the objections of the president thereto notwithstanding, a debate ensued in which Messrs. Clayton, Webster, Preston, Bayard, Clay, Leigh, Calhoun, spoke against and Messrs. Rives and Shepley in favor of the president's views.

[Every senator spoke against the constitutional ground taken by the president, except Messrs. Rives and Shepley.]

The bill was then laid on the table until to-morrow. Some business of minor importance was next transacted: after which the senate went into the consideration of executive business; and having spent some time therein, the doors were opened, several private bills were considered and ordered to a third reading, and then the senate adjourned.

June 23. But little business of importance was transacted this day. We will, however, give the details in our next that the journal may be complete.

HOUSE OF REPRESENTATIVES.

Thursday, June 16. [Continuation of the proceedings at the evening session.] The question, after some remarks from Mr. E. Whittlesey, urging the house to dispose of this subject, and proceed to the bills in which the western country was interested, was taken, on the motion of Mr. Hard, to reduce the appropriation for repairs of fortifications, &c. from 200,000 to 100,000 dollars, and was determined in the affirmative—yeas 96, nays 88. Mr. Robertson moved to strike out the words "for the purchase of additional land." After some remarks from Messrs. Cambreleng, Hardin, Mason, of Va. McKay and Wise, the motion was lost. The amendment of the committee, as amended in the house, was then agreed to. Mr. Cambreleng proposed an amendment to the amendment appropriating \$700,000 for the arming of fortifications, by inserting in detail the names of many articles necessary for that purpose.

At 8 o'clock, P. M. without further question, an adjournment was called for, and carried in the affirmative—ayes 76, noes 75. So the house adjourned.

Friday, June 17. Mr. Jarvis, from the committee on the public buildings, reported, without amendment, the joint resolution from the senate, to furnish the vacant panels in the rotundo of the capitol with four historical paintings, by American artists; which, by general consent, was read a third time, and passed.

The house next took up the motion to reconsider the vote by which the bill for the relief of Ellen A. Snuck was rejected—when the merits of the bill were discussed, after which the question was taken and the motion lost.

On motion of Mr. Cambreleng the rule setting apart this day for the consideration of private business was suspended, and the house took up the bill making appropriations for certain fortifications of the United States for the year 1836. Mr. Cambreleng then withdrew the amendment he had offered yesterday.

The question now being on concurring in the amendment of the committee of the whole, appropriating 700,000 dollars, in addition, for the arming of the fortifications, provided the president be authorized to expend such portion of the sum as may be necessary therefor, in establishing a national foundry. Mr. Bond opposed the amendment at some length. Mr. Dromgoole moved to amend the amendment in such manner as to appropriate 75,000 dollars of the above sum towards the establishment of a national foundry at the city of Washington, and 10,000 for the purchase of land in the vicinity of the same. A discussion now ensued which occupied a considerable portion of the time of the house, during which an appeal was taken from a decision of the chair, which decision was sustained. Finally the yeas and nays were ordered and the amendment rejected, only 27 voting in favor of it.

The house then took a recess.

Evening session. The fortification bill was again taken up. The proposed amendment of \$700,000 for the arming of fortifications, &c. was reduced, after a long debate, to \$400,000, and was then adopted. The other amendments reported from the committee were agreed to, after more or less discussion. The bill having been gone through with, Mr. Hawes moved to reduce the appropriation for the forts in Boston harbor from \$200,000 to \$150,000, inasmuch as the appropriation for Charleston had been reduced. The motion was agreed to. Motions were made to reduce other items of appropriation. Mr. Vanderpoel said it was apparent that a system of razeing was to be carried through the bill, and he moved the previous question, which was seconded. The main question was then put, and the amendments were ordered to be engrossed, and the bill read a third time this day. The house about nine o'clock adjourned.

Saturday, June 18. On motion of Mr. Jarvis, the committee of the whole was discharged from the further consideration of the bill making appropriations for the completion of vessels of war upon the stocks, and for repairing and equipping those in ordinary; and the same was recommitted to the committee on naval affairs.

Mr. Jarvis, from the committee on naval affairs, reported a bill to provide for the peace establishment of the navy, and a bill making appropriations for repairing and equipping vessels in ordinary, and for building two brigs and three steam vessels; which were read twice, and committed. Several motions to take up different subjects out of their order were rejected.

Mr. McKay moved that the rules be suspended for the purpose of enabling him to offer the following resolutions—but the yeas and nays having been ordered, the house refused to suspend them—yeas 121, nays 76. Not two-thirds.

Resolved, That the revenue receivable under the present laws is, and will be more than is required for the fair and legitimate wants of the government, and that provision ought to be made for its reduction.

Resolved, That the secretary of the treasury report to this house, at the commencement of the next session, what alteration can be made in the existing tariff of duties, consistently with the principles of the several acts imposing duties upon imports, with a view to reduction.

Resolved, That the secretary of the treasury also report upon the best mode of diminishing the revenue arising from the public lands, without retarding the settlement of the new states, or impairing the interests of the general government; and generally his views as to the best mode of reducing the revenue to the fair and constitutional wants of the government.

After several bills and reports had been received and disposed of, Mr. Patton moved to take up the bill from the senate "to regulate the deposits of the public moneys of the United States," with the view to make it the special order for next week. Mr. Briggs called for the yeas and nays, which were ordered and the motion lost—yeas 129, nays 67; not two-thirds.

On motion of Mr. Bell, the house went into committee of the whole, (Mr. Pearce, of Rhode Island, in the chair), and took up "the bill to provide for the adjustment of certain claims and reservations of land, under the 14th article of the treaty of 1830, with the Choctaw Indians." The bill having been read, the committee rose, and reported the same to the house, without amendment, and it was ordered to be engrossed for a third reading. It was subsequently read a third time and passed.

The bill to extend the pension system, ordered to be engrossed for a third reading this day, was taken up, and, after a variety of motions, finally passed—yeas 109, nays 75.

After the passage of the bill, Mr. Jarvis moved a reconsideration of the vote—which motion was lost.

A private bill was next disposed of, after which, on motion of Mr. Ash, the house adjourned.

Monday, June 20. Mr. Lane moved a suspension of the rules for the purpose of taking up the bill from the senate "to regulate the deposits of the public money," and thereupon asked the yeas and nays, which were ordered. A call of the house having been ordered, and a question of order considered and decided by the speaker, by general consent the bill was taken up and the question being on its commitment, Mr. Dickerson moved to add to the motion to commit the bill to a committee of the whole, with instructions to separate the same into two bills, so that the first should regulate the deposit of the public moneys, and the second should provide for the distribution of the surplus among the states.

Mr. Dickerson said he was in favor of the whole bill, but thought if both propositions were acted on jointly it might be

placed in jeopardy; for a majority of members might be willing to vote for one and not the other proposition; and intimated that the president might approve of that portion of the bill relating to the deposits, but veto the whole if the proposition for the distribution of the revenue was connected with it, &c. Mr. *Denny* thought the proposition to divide fatal to the whole bill. The gentleman from New Jersey, (Mr. *Dickerson*), he said, had gone, apparently, on the ground that there were two bills, instead of one; but he could see only one entire proposition for the disposition of the public money; and he did not see how it could be divided. There would not be time during the session to mature two bills, and obtain the action of the senate upon them separately. He thought that all those who wished to pass the bill would keep the two propositions together.

Mr. *McKenna* said he was utterly opposed to separating the two propositions; and he would appeal to the friends of the bill not to take up time in debating this preliminary motion. All the house had to do at this period of the session was to vote.

Mr. *Speight* considered the bill as clearly embracing two distinct propositions. He was in favor of that for regulating the deposits, but was opposed to the other. A principal objection to it was, that it asked no security of the states for the repayment of the money, when it should be called for; and he considered it, in that respect, as very defective. Mr. *Mercer* was really astonished that the gentleman could consider the two propositions distinct. He would not vote for the first proposition unless it was united with the other which had been considered so obnoxious. It was a proposition to reduce the amount of the deposits in the banks from \$38,000,000 to \$5,000,000. It was an important part of the subject of regulating the public deposits, and indissolubly connected with it. He said it went to make the states responsible for the repayment of the money, and ought not to be called a distribution; and he could not understand how it should be said there was no security for the money, when they were required to render certificates, and it depended on the action of the general government alone to make them responsible for the repayment.

Mr. *Lane* moved to amend the motion of the gentleman from New Jersey as follows: "That the bill be referred to the committee of the whole on the state of the union, and made the special order of the day for to-morrow at 12 o'clock, and each succeeding day thereafter until disposed of."

Mr. *Dickerson* accepted the amendment as a modification of his motion. Mr. *Parker* made a few remarks in opposition to a division of the bill. Mr. *Calhoun*, of Mass. thought it an incorrect course to instruct the committee, and called for a division of the question. Mr. *Smith* spoke at length on the question, but his remarks are not reported.

Mr. *Mann*, of New York, said he did not rise to discuss the subject; and he hoped the house would not spend much more time in debating the preliminary measure. He then offered a substitute for the instructions of the gentleman from New Jersey, (Mr. *Dickerson*), so as to direct the committee to report the first twelve sections of the bill as one bill, and the three remaining sections as another bill, with such amendments as the committee might think proper.

Mr. *Dickerson* accepted this amendment as a modification of his motion. Mr. *Adams* hoped the instructions would be withdrawn. Instructing a committee of the whole, he said, was incompatible with the object of going into the committee. It would confine them to the subject of the instructions, and he went on to show some deficiencies and discrepancies, which ought to be considered and amended in the first part of the bill.

Mr. *Patton* said that there was no doubt about the propriety of committing the bill. He thought there was a great moral and political necessity for passing it; and it ought not to be trammelled to prevent that free discussion which it ought to receive. It was unusual to instruct a committee of the whole, and he could not perceive what extraordinary reasons there could be why the house was asked to adopt such a course. It had been said it was possible, and had been intimated to be probable, that the president would veto the bill. The house, he said, ought to act according to its sense of duty, without regard to the opinions of any other department of the government; and he himself would not turn a hair's breadth from what he thought right, from any apprehensions or threatenings of what the executive might do.

Mr. *Dickerson* rose to explain. He said he did not know that the executive would veto the bill. He had had no conversations with the president; nor did he mean to say that any one should be influenced by a knowledge of his opinions; but if he was opposed to a part of the bill, he thought the house ought to secure the passage of that part upon which there was no doubt.

After a few remarks from Mr. *Patton*, Mr. *Vinton* said he thought the instructions in either shape ought not to prevail; and he went on to point out the embarrassment that would arise from introducing a bill in a manner so contrary to the rules into the house, and also of the inconvenience and delay in sending such a bill to the senate.

The question having been divided, was taken first on the commitment of the bill to the committee of the whole on the state of the union; which was agreed to.

The question being on adopting the instructions, it was divided, and first taken on the instructions to the committee to separate the provisions of the bill so as to report the first twelve sections thereof as one bill, and the remaining three sections

as another bill. This question was decided in the negative by yeas and nays as follows:

YEAS—Messrs. Anthony, Ash, Barton, Beale, Bean, Beaumont, Boeck, Boon, Bouldin, Bovee, Boyd, Brown, Buchanan, Burns, Bynum, Cambreleng, Chaney, Chapman, Chapin, J. F. H. Claiborne, Coles, Cramer, Cushman, Dickerson, Dickson, Dromgoole, Dunlap, Eflner, Fairfield, Farlin, French, W. K. Fuller, Galbraith, J. Garland, Gillet, Haley, Joseph Hall, Hammer, Hanegan, Albert G. Harrison, Hawkins, Haynes, Howard, Hubley, Huntington, Huntsman, Ingham, J. Jackson, Jarvis, R. M. Johnson, C. Johnson, John W. Jones, Judson, Lansing, Gideon Lee, J. Lee, Loyall, Lucas, Abijah Mann, J. Y. Mason, W. Mason, Moses Mason, May, McKay, McKee, McKim, McLene, Miller, Moore, Mullenback, Page, Parks, F. Pierce, Phelps, J. Reynolds, Roane, Rogers, Seymour, Shields, Shinn, Sickles, Speight, Sutherland, Taylor, Thomas, John Thomson, Toucey, Towns, Turrill, Vanderpool, Wagener, Ward, Wardwell, Weeks, T. T. Whittlesey—96.

NAYS—Messrs. John Q. Adams, C. Allen, Heman Allen, Ashley, Bailey, Bell, Bond, Borden, Briggs, Bunch, John Calhoun, W. B. Calhoun, Campbell, Carr, Carter, Casey, George Chambers, John Chambers, Childs, N. H. Claiborne, Clark, Connor, Corwin, Craig, Crane, Cushing, Darlington, Davis, Deberry, Denny, Evans, Everett, Forester, Fowler Fry, Philo C. Fuller, R. Garland, Granger, Graves, Grayson, Grennell, Griffin, Hland Hall, Hard, Hardin, Harlan, Harper, Samuel S. Harrison, Hawes, Hazeltine, Henderson, Heister, Hoar, Hopkins, Howell, Hunt, Ingersoll, W. Jackson, Janes, Jenifer, Joseph Johnson, Henry Johnson, Benjamin Jones, Kilgore, Kinnard, Lane, Laporte, Lawler, Lawrence, Lay, Thomas Lee, Luke Lea, Lewis, Lincoln, Logan, Love, Lyon, J. Mann, S. Mason, Matury, McCarthy, McComas, McKenna, Mercer, Milligan, Montgomery, Morgan, Morris, Parker, Patterson, Patton, D. J. Pearce, J. A. Pearce, Peyton, Phillips, Pickens, Potts, Reed, Rencher, John Reynolds, Ripley, Robertson, Russell, W. B. Shepard, A. H. Shepperd, Slade, Smith, Spangler, Standeford, Storor, Taltaliero, Underwood, Vinton, Washington, Webster, White, E. Whittlesey, Lewis Williams, S. Williams, Wise—130.

The bill was then made the special order of the day for to-morrow at 12 o'clock and every succeeding day thereafter until disposed of.

Mr. *Thomas*, from the select committee on the District banks, made a report, accompanied by a bill, to extend the charters of certain banks in the District of Columbia from the 4th of March, 1836; which bill was twice read, and, together with the report, ordered to be printed.

Mr. *Hunt*, by general consent, offered the following resolution; which was read:

Resolved, That a select committee be appointed, with power to send for persons and papers, to inquire whether any member or members of congress have received any accommodation or facilities from any person or persons, bank or banks, in the employment of the government, or not, in obtaining the use of the public money for the purpose of speculating in the purchase of the public lands.

Mr. *Pearce*, of Rhode Island, moved to amend the resolution by embracing the heads of departments, or any officer of the government; which Mr. *Hunt* accepted as a modification.

Mr. *Beon* said he hoped the resolution would be further modified so as to inquire whether any member of congress, &c. had borrowed money from the banks without paying interest for it.

Mr. *Lewis* said he would have no objection to the resolution if there was any ground for a belief that any improper partiality had been exhibited by the deposit banks in their transactions with members of congress; but he was averse to a general exploring expedition. He wanted information on the subject.

Mr. *McKay* took a similar view. The adoption of the resolution amounted to a tacit admission that some members had received accommodations from the deposit banks for the purposes of speculation. This was a grave charge, and ought not to be countenanced without some ground to go upon. He hoped, therefore, that the gentleman would inform the house what was the object of the resolution, and the ground for it.

After some remarks from Mr. *Bouldin*, Mr. *Hunt* said that every member must have heard rumors, and seen intimations in the public prints, that certain members of congress have had the use of the public funds in their private speculations. He did not pretend to be possessed of any more information on the subject than any other member. He thought some inquiry ought to be made in regard to the matter, and he had therefore submitted the resolution to the disposition of the house.

Mr. *Adams* said he could not vote for this resolution. If this committee was appointed, it must have judicial power, and must be a sort of grand jury; and, in order to examine every member of the house, they must sit during the recess. In fairness and impartiality, they must summon every member before them. After all, what would it amount to? Suppose a member has borrowed money of a bank, with interest or without interest, of what consequence is it? There is nothing in it contrary to law. Suppose it be ascertained that some forty or sixty members have borrowed money of banks to buy lands; a voluminous document, costing some thousands of dollars, would be published to excite public odium against those individuals; and there the matter would end, unless, indeed, the gentleman from New York intended to follow up his motion by moving

the expulsion of such members. He could not see that it would be sufficient cause for expulsion, for nothing was charged in violation of the laws of the land. The house must then be converted into a grand inquest on the subject, and the members accused must appear in their defence at the bar of the house, with their witnesses. Was this a position in which the members of the house wished to be placed towards each other? On the contrary, it was highly desirable that they should entertain towards each other the kindest feelings and respect.

Mr. Lewis asked for some specification of the accusation. If there was any ground for it, he wished to know it.

Mr. Boon said the banks were established for the public accommodation, and members of congress had a right to borrow money from them and buy lands, as well as others. If any corrupt practices had prevailed, it was a different thing, and an investigation would be proper. But nothing of this kind had been alleged.

Mr. Pearce, of R. I. advocated the adoption of the resolution at some length.

Mr. Speight said, for his own part, he had no objection to the adoption of the resolution; but, as the time of the house was precious, as it wanted but a few minutes of the hour assigned for the house to take a recess, he moved the previous question, which was seconded.

The main question was ordered to be put, and the resolution was agreed to, without a count.

The select committee was then ordered to consist of five members.

Mr. Wise moved to suspend the rules for the purpose of taking up and considering the resolutions heretofore offered by him in relation to the deposit banks and Ruben M. Whitney; and thereupon asked the yeas and nays which were ordered, and, the question being taken, the motion was negatived, yeas 101, nays 59—not two-thirds. It being half past 2 o'clock the house took a recess.

Evening session. After an ineffectual attempt of Mr. Adams, (in consequence of a quorum not being present), to obtain leave to offer a resolution directing the clerk of the house to cause to be prepared a copy of the constitutions of the several states of the union, embracing all the amendments thereto adopted, from the declaration of independence till the year 1789, and the transaction of some other business, the house concurred in an amendment of the senate to the bill authorising the secretary of the treasury to act as an agent of the United States in all matters concerning the stock of the government in the bank of the United States.

The resolution of Mr. Adams above referred to, was now taken up, a quorum having appeared, and being amended so as to include the constitution of the United States and the articles of confederation, laid upon the table.

The house, in further execution of the special order of the day of the 26th of January, took up the engrossed bill making appropriations for certain fortifications of the United States for the year 1836. The bill was read a third time, and passed.

After settling a question of precedence in relation to certain bills, the house passed to the order of the day and took up the bill amendatory of the act for the continuation of the Cumberland road (to change the location of part of it) which was read a third time; and the question being upon its passage; a debate arose in relation to the proposed change in the route, in which Messrs. Crane, Kennard, Pearce, of R. I. Boon, Mason, of O. and Webster participated. The previous question was called by Mr. Mann, but he withdrew it, and the question was taken on the passage of the bill, which was decided in the negative: yeas 79, nays 88. The house then adjourned.

Tuesday, June 21. After the usual morning business and several ineffectual attempts to suspend the rules, with the view to the consideration of business out of its usual order, the house, at 12 o'clock, in pursuance of the special order, adopted yesterday, resolved itself into a committee of the whole on the state of the union, Mr. Sutherland in the chair, and proceeded to consider the bill from the senate for "the regulation of the deposits of the public money."

The bill was then read through as published in the present sheet [see page 290.] Mr. Harrison moved to amend the first section so as to require the assent of the states to the establishment of agencies. Mr. Dromgoole moved to strike out all that part of the first section which relates to the establishment of agencies in the states, lost. Mr. McKay moved to strike out the words "as banks of deposit." Lost. Mr. Vandervoel moved to amend the fifth section so as to provide that no bank should be selected as a deposit bank which shall issue any note of less denomination than ten dollars. Lost. Several other amendments, of lesser magnitude, were moved and lost.

Mr. Adams moved to strike out, in the 8th section, the following words: "or the public money withdrawn therefrom." Lost. Mr. Williams, of Kentucky, moved an amendment to the effect that the banks shall pay 4 per cent, interest on the whole amount of the deposits; which was lost. Mr. Gillett moved a verbal amendment; which was lost. Mr. Dromgoole moved to strike out the 11th section. Lost. Mr. Mann, of New York, moved to amend the 13th section of the bill so as to provide that the distribution shall be made in proportion to the representation of the people on this floor; and upon this motion he wished, he said, to be heard. But, at the suggestion of some gentlemen, he, for the present, withdrew it.

Mr. Anthony stated to the committee the substance of an amendment of similar import, and said he thought the ratio

adopted by the senate wrong, as it violated a fundamental principle of the constitution of the United States which was that representation and taxation should go together; and in his opinion representation and distribution should go together, &c. He then moved as a substitute for the 13th section, the proposition explained by him which is as follows:

Sec. 13. *And be it further enacted,* That the money which shall be in the treasury of the United States on the first day of January, 1837, reserving the sum of five millions of dollars, shall be deposited with such of the several states, in proportion to their respective representations in the senate and house of representatives of the United States, as shall by law authorise their treasurer, or other competent authorities, to receive the same on the terms hereinafter specified; and the secretary of the treasury shall deliver the same to such treasurer, or other competent authorities, on receiving certificates of deposit therefor, signed by such competent authorities, in such form as may be prescribed by the secretary aforesaid, which certificates shall express the usual and legal obligations of common depositories of the public money, for the safe keeping and repayment thereof, and shall pledge the faith of the states receiving the same to pay the said moneys and every part thereof, from time to time, whenever the same shall be required by the secretary of the treasury, for the purpose of defraying any wants of the public treasury beyond the amount of the five millions aforesaid:

Provided, That if any state declines to receive its proportion of the surplus aforesaid, on the terms before named, the same may, at the discretion of the secretary of the treasury, be deposited with the other states agreeing to accept the same on deposit.

And provided further, That when said money, or any part thereof, shall be wanted by said secretary to meet appropriations made by law, the same shall be called for in ratable proportions, within one year, as nearly as conveniently may be, from the different states, with which the same is deposited, and shall not be called for in sums exceeding ten thousand dollars, from any one state in any one month, without previous notice of thirty days for every additional sum of twenty thousand dollars, which may be required.

Mr. Speight said he had heard it remarked that the amendment was proposed with the view of defeating the bill; but he assured the house it was offered in good faith and meant to obviate the objections of many members to the bill—and if adopted, would receive their votes.

Mr. Hardin said, as the bill now stands, all states having ten members and under, will be gainers by the bill. The states having ten members will, by the bill, receive one dollar and a half per head; if the amendment is made, all states having eleven members will have two dollars and a quarter per head. There were, he said, eighteen states having under ten members, and ten having over eleven members; and he thought the alteration would operate hardly upon some of the small states. After some observations upon the operation of the bill upon particular states, he thought it would, on the whole, operate as equally as any thing that could be devised. He had no great objection to the amendment, but he thought it better to take the original bill.

Mr. Pearce, of R. I. was in favor of the amendment, which he thought would prevent stock-jobbing in case the stock should be offered for sale by the secretary of the treasury. He referred to the amendment as respected the exclusion of the senatorial representation. He said, the small states did not, in the house, stand upon an equal advantage, but in the senate they had the greater power, numbering fifteen to nine in the representation; and if this provision had been made, as was right, with a view to the advantage of the small states, then it was not to be supposed they would give it up without discussion, and perhaps the bill would be lost, which he considered a much greater evil than the inequality of distribution. He then went into an examination of the effect of the bill and the amendment upon several states, and thought it more proper to make the distribution upon federal numbers, according to the census of 1830. He thought, also, if some apparent injustice would be done to the large states by the original bill, still more would be done to the small states by adopting a different course.

Mr. Pearce gave way to permit Mr. Anthony to restore the words "senate and," so as to remove the objection that had been made. Mr. P. then took his seat. After some remarks from Mr. Miller in favor of the proposition, Mr. Vinton moved to amend the amendment, so as to provide that the money should be called for by the treasurer, only "for want of other money in the treasury." Mr. Lewis was opposed to the amendment proposed by the gentleman from Ohio (Mr. Vinton) because he thought the original amendment sufficiently strong. The question was then taken and the amendment lost. Mr. Mason, of Va. and Mr. Galbraith both spoke in favor of Mr. Anthony's amendment—when Mr. Mercer moved an amendment to the amendment, in order to provide for distribution in proportion to federal numbers, according to the last census. Lost. Mr. Mann, of New York, said he felt it his imperious duty to oppose some of the provisions of the amendment. He held the principles of compromise in high respect, but he would not compromise the principles of the constitution. What were we about to do? To rack and destroy the principles of our confederation, and to consolidate the powers of the government. The amendment was even more favorable to the states than the original

proposition, for it gave the money, on deposit, without interest. Mr. *Patton* was unable to see any difference, in principle, between the amendment and the section as it stood in the bill, and would vote for the bill, even if the amendment was adopted. Mr. *Vanderpoel* would vote for the amendment, but not for the bill—but as it would undoubtedly pass, he would rather have it in the form proposed by the amendment. Mr. *Adams* took the floor; but it being half past two o'clock, the committee rose and the house took a recess until four o'clock.

Evening session. The deposit bill (from the senate) being still under consideration, the question being the motion proposed by Mr. *Anthony* to substitute his proposition for the 13th section of the bill, and Mr. *Anthony* having modified his proposition so as to retain the rates of distribution proposed by the senate, after a debate in which Messrs. *Adams*, *Granger*, *Speight* and *Wise* took part, Mr. *Jarvis* moved to amend the amendment by inserting after the words "United States," the word "unappropriated." Lost. Mr. *Anthony*, at the suggestion of Mr. *Briggs*, modified his amendment by inserting the words "to pledge the faith of the state for the safe keeping thereof."

After a few words from Messrs. *Wise* and *Love*, Mr. *Anthony's* amendment, as modified, was adopted—yeas 123, nays 50.

Mr. *Adams* moved to strike out the first clause of the eighth section, and supported the motion with some remarks. Lost. Mr. *Mano*, of New York, moved to strike out the words "and senate" from the section as amended, so as to cause the surplus to be distributed according to federal numbers.

Mr. *Mano* went on to speak, with great earnestness, in support of his motion to amend; but he finally withdrew the motion, at the request of Mr. *Mercer* and others, and gave notice that he would renew it in the house. Mr. *Ripley* moved to amend the bill by adding to it sections regulating the management of the public lands, and providing that the land sales be suspended for five years.

The chair decided that the motion was out of order, it being inconsistent with the bill. Mr. *Ripley* explained the object he desired to accomplish by the amendment, and then appealed from the decision of the chair. Mr. *Cambreling* briefly supported the appeal; when the question was taken and the decision sustained. Mr. *Rencher* submitted an amendment, which he supported by a few remarks. Mr. *McKay* said that the house had just passed a bill placing the whole power of the government, in relation to the government bank stock, in the hands of the secretary of the treasury. There was, therefore, no necessity for the amendment. The stock would be sold and distributed of course. The amendment was rejected. Mr. *Doubleday* arose for the purpose of addressing the house, but after he had made some progress, such was the confusion of the house that his voice became utterly inaudible. He was, however, understood to be in favor of the bill. Mr. *Dromgoole* moved to strike out the 13th, 14th, and 15th sections of the bill.

Lost. Mr. *Ash* moved to amend the bill by inserting a clause providing that the states should appropriate a portion of the sum deposited with them to the purposes of education. Lost. The committee rose, and reported the bill, with the amendment, at a quarter after 6 o'clock. Mr. *Mercer* moved to amend the 13th section by striking out the words "in proportion to their representation in the house and senate;" and inserting the words "in proportion to their federal population, according to the census of 1830." Mr. *Finton* argued against the bill, which he said was partial in its operation, and that Ohio, under its provisions, would lose something like twelve and a half per cent. of her full proportion. Mr. *Lane* made an earnest and warm reply to the remarks of the gentleman from Ohio last up, and contended that, even upon the senate's plan of distribution, the states of Illinois, Indiana and Missouri would lose much of the proper proportion of the surplus due to their greatly increased and increasing population. Mr. *Mercer* signified an intention to move to amend by allowing the new states ten per cent. in addition to their distributive share. Mr. *Mann*, of New York, then sent to the chair a similar proposition, which he said he had intended to offer; and Mr. *Mercer* accepted it as a modification of his proposition. Mr. *Lewis*, of Alabama, thanked the gentleman from New York for his amendment; but, though it rendered the bill better for the new states, he warned the gentlemen that they would lose the bill if they undertook greatly to amend it. He believed that the mode of distribution adopted was as fair as any that could be devised; and, even if Rhode Island and Delaware gained a little by it, it was but a small objection. Mr. *Adams* said that the bill, as it stood, was, he believed, as fair as any that could be adopted by the house. Mr. *Ashley* was, he said, in favor of sticking to the bill as it stood. Mr. *Johnson*, of La. expressed the same sentiment. The question was taken by yeas and nays on the motion to amend, offered by Mr. *Mercer*, and decided in the negative—yeas 88, nays 120.

The question being on concurring with the committee of the whole in their amendment, adopting a substitute for the 13th section, the yeas and nays were ordered. Mr. *Parks* said as he intended to vote against the amendment and against the bill, he felt it due to himself to offer a few words in explanation of his views, and was proceeding to express them, when he was compelled to refrain by the extreme confusion that prevailed.

Mr. *Gillett* said he wished to move an amendment. [Loud cries of "no," "no," and "question" "question."] Mr. *Gillett* stated his motion to be, to add, after the words "five millions" reserved, the words "over and above all unexpended

balances of appropriation." The amendment was rejected by acclamation. The question being taken on concurrence in the amendment of the committee of the whole, inserting Mr. *Anthony's* substitute for the 13th section, it was decided in the affirmative—yeas 142, nays 67.

Mr. *Hawes*. Mr. Speaker, I now move the previous question. [The time was seven o'clock P. M.] The speaker said the previous question was on the engrossment of the amendment, and ordering the bill to a third reading. Mr. *Lane* hoped, he said, that the house would not urge the previous question to-night. The motion was seconded—87 to 72. Mr. *Rencher* asked the yeas and nays on the question "Shall the main question be now put?" Refused. Mr. *Hopkins* moved to reconsider the vote by which the previous question was seconded. Lost—88 to 93.

Mr. *Pierce*, of New Hampshire, moved an adjournment. There had been, he said, important amendments made to the bill, and he wished to examine it in print. If the question was pressed to night, he would be compelled to vote against the bill. He, therefore, moved an adjournment; which was rejected.

The main question on ordering the bill to a third reading having been ordered to be put,

Mr. *Granger* called for the yeas and nays, and they were ordered.

The question was then taken, and decided, as follows: YEAS—Messrs. *Adams*, *Chilton* *Allan*, *H. Allen*, *Anthony*, *Ashley*, *Bailey*, *Bell*, *Bockee*, *Bond*, *Boon*, *Borden*, *Boyd*, *Briggs*, *Buchanan*, *Bunch*, *Bynum*, *J. Calhoun*, *W. B. Calhoun*, *Carr*, *Carter*, *Casey*, *J. Chambers*, *Chaney*, *Chapman*, *Chapin*, *Childs*, *N. H. Claiborne*, *Clark*, *Cleveland*, *Connor*, *Corwin*, *Craig*, *Crane*, *Cramer*, *Cushing*, *Darlington*, *Deberry*, *Denny*, *Dickerson*, *Doubleday*, *Evans*, *Everett*, *Forester*, *Fowler*, *French*, *Fry*, *Philo C. Fuller*, *Galbraith*, *J. Garland*, *Rice Garland*, *Granger*, *Grantland*, *Graves*, *Grayson*, *Grinnell*, *Griffin*, *Haley*, *Hannegan*, *Hard*, *Hardin*, *Harlan*, *Harper*, *Samuel S. Harrison*, *A. G. Harrison*, *Hawes*, *Hawkins*, *Hazeltine*, *Henderson*, *Heister*, *Hoar*, *Hopkins*, *Howard*, *Howell*, *Hublely*, *Hunt*, *Huntsman*, *Ingersoll*, *Ingham*, *W. Jackson*, *J. Jackson*, *Janes*, *Jenifer*, *J. Johnson*, *R. M. Johnson*, *Henry Johnson*, *J. W. Jones*, *Benjamin Jones*, *Judson*, *Kilgore*, *Kinnard*, *Lane*, *Laporte*, *Lawler*, *Lawrence*, *Lay*, *Thos. Lee*, *L. Lea*, *Leonard*, *Lewis*, *Lincoln*, *Logan*, *Love*, *Lucas*, *Lyon*, *Job Mann*, *Martin*, *Moses Mason*, *Sampson Mason*, *Maury*, *May*, *McCarty*, *McComas*, *McKenna*, *Mercer*, *Miller*, *Miligan*, *Montgomery*, *Morgan*, *Morris*, *Muhlenberg*, *Owens*, *Parker*, *Patterson*, *Patton*, *D. J. Pearce*, *James A. Pearce*, *Pettigrew*, *Peyton*, *Phelps*, *Phillips*, *Pickens*, *Potts*, *Reed*, *Rencher*, *John Reynolds*, *Joseph Reynolds*, *Ripley*, *Robertson*, *Russell*, *Seymour*, *A. H. Shepperd*, *Shields*, *Shinn*, *Slade*, *Smith*, *Spangler*, *Speight*, *Standefer*, *Storer*, *Sutherland*, *Taliaferro*, *J. Thomson*, *Toucey*, *Underwood*, *Vinton*, *Wagener*, *Washington*, *Webster*, *White*, *E. Whittlesey*, *Thomas T. Whittlesey*, *L. Williams*, *S. Williams*—163.

NAYS—Messrs. *Ash*, *Barton*, *Beale*, *Bean*, *Beaumont*, *Brown*, *Burns*, *Cambreling*, *J. F. H. Claiborne*, *Coles*, *Cushman*, *Dromgoole*, *Fairfield*, *Wm. K. Fuller*, *Gillett*, *Joseph Hall*, *Hamer*, *Huntington*, *Jarvis*, *C. Johnson*, *Lansing*, *Joshua Lee*, *Loyall*, *Abija Mann*, *John V. Mason*, *William Mason*, *Ward*, *Wells*, *McKeon*, *McKim*, *McLene*, *Page*, *Parks*, *F. Pierce*, *Roane*, *Rogers*, *Sickles*, *Taylor*, *Thomas*, *Vanderpoel*, *Ward*, *Wardwell*, *Weeks*, *Wise*—43.

So the bill was passed to a third reading.

The bill was then ordered to be read a third time, immediately.

A motion was made to adjourn, and lost.

The bill was then read a third time; and the question being on its passage, Mr. *Loyall* called for the yeas and nays, which were ordered, and taken, as follows:

YEAS—Messrs. *Adams*, *Chilton* *Allan*, *Heman Allen*, *Anthony*, *Ashley*, *Bailey*, *Bell*, *Bockee*, *Bond*, *Boon*, *Borden*, *Bovee*, *Boyd*, *Briggs*, *Bunch*, *Bynum*, *John Calhoun*, *William B. Calhoun*, *Carr*, *Carter*, *Casey*, *John Chambers*, *Chaney*, *Chapman*, *Chapin*, *Childs*, *Nathaniel H. Claiborne*, *Clark*, *Cleveland*, *Connor*, *Corwin*, *Craig*, *Cramer*, *Crane*, *Cushing*, *Darlington*, *Deberry*, *Denny*, *Dickerson*, *Doubleday*, *Evans*, *Everett*, *Forester*, *Fowler*, *French*, *Fry*, *Philo C. Fuller*, *Galbraith*, *James Garland*, *Rice Garland*, *Granger*, *Grantland*, *Graves*, *Grayson*, *Grinnell*, *Griffin*, *Haley*, *Hannegan*, *Hard*, *Hardin*, *Harlan*, *Samuel S. Harrison*, *Albert G. Harrison*, *Hawes*, *Hawkins*, *Hazeltine*, *Henderson*, *Heister*, *Hoar*, *Hopkins*, *Howard*, *Howell*, *Hublely*, *Hunt*, *Huntsman*, *Ingersoll*, *Ingham*, *William Jackson*, *Jabez Jackson*, *Janes*, *Jenifer*, *Joseph Johnson*, *John W. Jones*, *Benjamin Jones*, *Judson*, *Kilgore*, *Kinnard*, *Lane*, *Laporte*, *Lawler*, *Lawrence*, *Lay*, *Thomas Lee*, *Luke Lea*, *Leonard*, *Lewis*, *Lincoln*, *Logan*, *Love*, *Lyon*, *Job Mann*, *Martin*, *Moses Mason*, *Sampson Mason*, *May*, *McCarty*, *McComas*, *McKenna*, *Mercer*, *Miller*, *Miligan*, *Montgomery*, *Morgan*, *Morris*, *Muhlenberg*, *Parker*, *Patterson*, *Patton*, *Dutee J. Pearce*, *James A. Pearce*, *Pettigrew*, *Peyton*, *Phelps*, *Phillips*, *Pickens*, *Potts*, *Reed*, *Rencher*, *Joseph Reynolds*, *Ripley*, *Robertson*, *Russell*, *Augustine H. Shepperd*, *Shields*, *Shinn*, *Slade*, *Smith*, *Spangler*, *Speight*, *Standefer*, *Storer*, *Sutherland*, *Taliaferro*, *John Thomson*, *Toucey*, *Underwood*, *Vinton*, *Wagener*, *Washington*, *Webster*, *White*, *Elisha Whittlesey*, *Thomas T. Whittlesey*, *Lewis Williams*, *S. Williams*—155.

NAYS—Messrs. *Ash*, *Beale*, *Bean*, *Beaumont*, *Brown*, *Burns*, *John F. H. Claiborne*, *Coles*, *Cushman*, *Dromgoole*, *Fairfield*, *William K. Fuller*, *Gillett*, *Joseph Hall*, *Hamer*, *Jarvis*, *Cave Johnson*, *Lansing*, *Gideon Lee*, *Loyall*, *Abijah*

Mann, John Y. Mason, McKay, McKeon, McKim, Parks, Franklin Pierce, Pinckney, Roane, Rogers, Sickles, Taylor, Thomas, Turritt, Vanderpool, Ward, Wardwell, Wise—38.

So the bill was passed, with an amendment, and ordered to be returned to the senate for concurrence in the amendment.

The house then adjourned, (it being 9 o'clock P. M.)

Wednesday, June 22. Considerable time was spent in discussing and settling the priority of business.

Mr. Adams presented the protest of certain Cherokee chiefs against the treaty lately promulgated as having been made with that nation; which was referred to the committee of the whole that has a bill upon that subject under consideration.

The amendments of the senate to the bill to reorganize the post office were read, and referred to the post office committee.

The remainder of the day, after the morning business, was spent in the discussion of the bill making additional appropriations for the Delaware breakwater, and for other ports and harbors. [Particulars in our next.]

Thursday, June 23. The hour was consumed in the usual morning business, and in the consideration of the senate's amendments to the bill to change the organization of the post office department. The house then went into committee of the whole, and considered the bill making appropriations for certain harbors, &c. which occupied its attention until the hour of recess. Details hereafter.

PUBLIC REVENUE.

The following is the bill to regulate the deposits of the public money as it passed the senate on Saturday last. To the amendment of the house, in which the senate concurred, see page 288.

A bill to regulate the deposits of the public money.

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That it shall be the duty of the secretary of the treasury to select, as soon as may be practicable, and employ as the depositories of the money of the United States, such of the banks incorporated by the several states, by congress for the District of Columbia, or by the legislative councils of the respective territories for those territories, as may be located at, adjacent or convenient to, the points or places at which the revenues may be collected or disbursed. And in those states, territories or districts, in which there are no banks, or in which no bank can be employed as a deposit bank, and within which the public collections or disbursements require a depository, the said secretary may make arrangements with a bank, or banks, in some other state, territory or district, to establish an agency, or agencies, in the states, territories or districts, so destitute of banks, as banks of deposit; and to receive through such agencies such deposits of the public money as may be directed to be made at the points designated, and to make such disbursements as the public service may require at those points; the duties and liabilities of every bank thus establishing any such agency to be the same in respect to its agency as are the duties and liabilities of deposit banks generally under the provisions of this act: *Provided,* That at least one such bank shall be selected in each state and territory, if any can be found in each state and territory willing to be employed as depositories of the public money, upon the terms and conditions hereinafter prescribed, and continue to conform thereto: that the secretary of the treasury shall not suffer to remain in any deposit bank an amount of the public moneys more than equal to three fourths of the amount of its capital stock actually paid in for a longer time than may be necessary to enable him to make the transfers required by the twelfth section of this act; and that the banks so selected, shall be, in his opinion, safe depositories of the public money, and shall be willing to undertake to do and perform the several duties and services, and to conform to the several conditions prescribed by this act.

Sec. 2. *And be it further enacted,* That if, at any point or place at which the public revenue may be collected, there shall be no bank located which, in the opinion of the secretary of the treasury, is in a safe condition, or where all the banks at such point or place shall fail or refuse to be employed as depositories of the public money of the United States, or to comply with the conditions prescribed by this act, or where such banks shall not have sufficient capital to become depositories of the whole amount of moneys collected at such point or place, he shall and may order and direct the public money collected at such point or place, to be deposited in a bank or banks in the same state, or in some one or more of the adjacent states, upon the terms and conditions hereinafter prescribed: *Provided,* That nothing in this act contained shall be so construed as to prevent congress at any time from passing any law for the removal of the public money from any of the said banks, or from changing the terms of deposit, or to prevent the said banks at any time from declining any longer to be the depositories of the public money, upon paying over, or tendering to pay, the whole amount of public moneys on hand, according to the terms of its agreement with the said secretary.

Sec. 3. *And be it further enacted,* That no bank shall hereafter be selected and employed by the secretary of the treasury as a depository of the public money, until such banks shall have first furnished to the said secretary a statement of its condition and business, a list of its directors, the current price of its stock; and, also, a copy of its charter; and, likewise, such other information as may be necessary to enable him to judge of the safety of its condition.

Sec. 4. *And be it further enacted,* That the said banks, before they shall be employed as the depositories of the public money, shall agree to receive the same upon the following terms and conditions, viz:

First. Each bank shall furnish to the secretary of the treasury, from time to time, as often as he may require, not exceeding once a week, statements setting forth its condition and business, as prescribed in the foregoing section of this act, except that such statements need not, unless requested by said secretary, contain a list of the directors, or a copy of the charter. And the said banks shall furnish to the secretary of the treasury, and to the treasurer of the United States, a weekly statement of the condition of his account upon their books. And the secretary of the treasury shall have the right, by himself, or an agent appointed for that purpose, to inspect such general accounts in the books of the bank as shall relate to the said statements: *Provided,* That this shall not be construed to imply a right of inspecting the account of any private individual or individuals with the bank.

Secondly. To credit as specie all sums deposited therein to the credit of the treasurer of the United States, and to pay all checks, warrants, drafts, drawn on such deposits, in specie, if required by the holder thereof.

Thirdly. To give, whenever required by the secretary of the treasury, the necessary facilities for transferring the public funds from place to place, within the United States and the territories thereof, and for distributing the same in payment of the public creditors, without charging commissions or claiming allowance on account of difference of exchange.

Fourthly. To render to the government of the United States all the duties and services heretofore required by law to be performed by the late bank of the United States and its several branches as offices.

Sec. 5. *And be it further enacted,* That no bank shall be selected or continued as a place of deposit of the public money which shall not redeem its notes and bills on demand in specie; nor shall any bank be selected or continued as aforesaid, which shall, after the fourth of July, in the year one thousand eight hundred and thirty-six, issue or pay out any note or bill of a less denomination than five dollars; nor shall the notes or bills of any bank be received in payment of any debt due to the United States, which shall, after the said fourth day of July, in the year one thousand eight hundred and thirty-six, issue any note or bill of a less denomination than five dollars.

Sec. 6. *And be it further enacted,* That the secretary of the treasury shall be, and he is hereby, authorized, and it shall be his duty, whenever in his judgment the same shall be necessary or proper, to require of any bank so selected and employed as aforesaid, collateral or additional securities for the safe keeping of public moneys deposited therein, and the faithful performance of the duties required by this act.

Sec. 7. *And be it further enacted,* That it shall be lawful for the secretary of the treasury to enter into contracts in the name and for and on behalf of the United States, with the said banks so selected or employed, whereby the said banks shall stipulate to do and perform the several duties and services prescribed by this act.

Sec. 8. *And be it further enacted,* That no bank which shall be selected or employed as the place of deposit of the public money shall be discontinued as such depository, or the public money withdrawn therefrom, except for the causes hereinafter mentioned: that is to say, if at any time, any one of said banks shall fail or refuse to perform any of said duties or services as prescribed by this act, and stipulated to be performed by its contract; or, if any of said banks shall, at any time, refuse to pay its own notes in specie if demanded, or shall fail to keep in its vaults such an amount of specie as shall be required by the secretary of the treasury, and shall be, in his opinion, necessary to render the said bank a safe depository of the public moneys, having due regard to the nature of the business transacted by the bank; in any and every such case it shall be the duty of the secretary of the treasury to discontinue any such bank as a depository, and withdraw from it the public moneys which it may hold on deposit at the time of such discontinuance. And in case of the discontinuance of any of said banks, it shall be the duty of the secretary of the treasury to report to congress immediately, if in session, and, if not in session, then at the commencement of its next session, the facts and reasons which have induced such discontinuance. And in case of the discontinuance of any of said banks as a place of deposit of the public money for any of the causes hereinbefore provided, it shall be lawful for the secretary of the treasury to deposit the money thus withdrawn in some other banks of deposit already selected, or to select some other bank as a place of deposit, upon the terms and conditions prescribed by this act. And in default of any bank to receive such deposit, the money thus withdrawn shall be kept by the treasurer of the United States, according to the laws now in force, and shall be subject to be disbursed according to law.

Sec. 9. *And be it further enacted,* That until the secretary of the treasury shall have selected and employed the said banks as places of deposit of the public money, in conformity to the provisions of this act, the several state and District banks at present employed as depositories of the money of the United States shall continue to be depositories aforesaid, upon the terms and conditions upon which they have been so employed.

Sec. 10. *And be it further enacted,* That it shall be the duty of the secretary of the treasury to lay before congress, at the

commencement of each annual session, a statement of the number and names of the banks employed as depositories of the public money, and of their condition, and the amount of public money deposited in each, as shown by their returns at the treasury; and if the selection of any bank as a depository of the public money be made by the secretary of the treasury while congress is in session, he shall immediately report the name and condition of such bank to congress; and if any such selection shall be made during the recess of congress, he shall report the same to congress during the first week of its next session.

Sec. 11. *And be it further enacted*, That whenever the amount of public deposits to the credit of the treasurer of the United States in any bank shall, for a whole quarter of a year, exceed the one-fourth part of the amount of the capital stock of such bank actually paid in, the banks shall allow and pay to the United States, for the use of the excess of the deposits over the one-fourth part of its capital, an interest at the rate of two per centum per annum, to be calculated, for each quarter, upon the average excesses of the quarter, and it shall be the duty of the secretary of the treasury, at the close of each quarter, to cause the amounts on deposit in each deposite bank for the quarter, to be examined and ascertained, and to see that all sums of interest accruing under the provisions of this section are, by the banks respectively, passed to the credit of the treasurer of the United States in his accounts with the respective banks.

Sec. 12. *And be it further enacted*, That all warrants or orders for the purpose of transferring the public funds from the banks in which they now are, or may hereafter be deposited, to other banks, whether of deposite or not, for the purpose of accommodating the banks to which the transfer may be made, or to sustain their credit, or for any other purpose whatever, except it be to facilitate the public disbursements, and to comply with the provisions of this act, be, and the same are hereby, prohibited and declared to be illegal; and in cases where transfers shall be required for purposes of equalization under the provisions of this act, in consequence of too great an accumulation of deposits in any bank, such transfers shall be made to the nearest deposite banks which are considered safe and secure, and which can receive the moneys to be transferred under the limitations in this act imposed: *Provided*, That it may be lawful for the president of the United States to direct transfers of the public money to be made, from time to time, to the mint and branch mints of the United States for supplying metal for coinage.

Sec. 13. *And be it further enacted*, That the money which shall be in the treasury of the United States on the first day of January, eighteen hundred and thirty-seven, reserving the sum of five millions of dollars, shall be deposited with the several states, in proportion to their respective representation in the senate and house of representatives of the congress of the United States; and the secretary of the treasury shall deliver the same to such persons as the several states may authorise to receive it, on receiving certificates of deposite, signed by the competent authorities of each state, each for such amount and in such form as the secretary of the treasury may prescribe, which shall set forth and express the obligation of the state to pay the amount thereof to the United States, or their assigns; and which said certificates it shall be competent for the secretary of the treasury, in the name and behalf of the United States, to sell and assign, whenever it shall be necessary, for want of other money in the treasury to meet appropriations made by congress, all sales and assignments, however, to be ratable, and in just and equal proportions, among all the states, according to the amounts received by them respectively; and all such certificates of deposite shall be subject to, and shall bear an interest of five per centum per annum, payable half-yearly, from the time of such sale and assignment, and shall be redeemable at the pleasure of the states issuing the same.

Sec. 14. *And be it further enacted*, That the said deposits shall be made with the states in the following proportions, and at the following times, viz. One quarter part on the first day of January, eighteen hundred and thirty-seven, or as soon thereafter as may be; one quarter part on the first day of April; one quarter part on the first day of July; and one quarter part on the first day of October, all in the same year.

Sec. 15. *And be it further enacted*, That to enable the secretary of the treasury to carry into effect the provisions of this act, he be authorised to appoint three additional clerks for his department; the one at a salary of one thousand six hundred dollars per annum; and the remaining two at a salary of one thousand dollars each; and to pay the said clerks quarterly, out of any money in the treasury not otherwise appropriated.

—••••• PENNSYLVANIA LEGISLATURE.

The legislature of Pennsylvania terminated its extra session by adjournment last week.

Before the close of the session, the following resolutions were introduced in the senate by Mr. Penrose, and passed that body by the votes annexed to the end of each of them:

Resolutions relative to the distribution of the surplus revenue of the United States.

Whereas It is an incumbent duty constantly to guard the liberties of the people, and our free institutions of government acquired for us by the valor and virtue of our revolutionary fathers, from the encroachment of power common to all governments: *and whereas* the immediate representatives of the peo-

ple are bound to warn them of approaching danger, and to endeavor to avert it from them:

Resolved by the senate and house of representatives of the commonwealth of Pennsylvania in general assembly met, That this assembly will maintain and defend the constitution of the United States, the rights of the states, and the integrity of the union, and that it solemnly expresses its devotion to that union, and its conviction that it can be preserved only by opposing every violation of the principles upon which it is based—[yeas 20, nays 1.]

That the powers of the federal government are defined by a written constitution, and are specifically enumerated. No power can be rightly claimed for or exercised by it that is not expressly given, and the powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people—[yeas 28, nays 2.]

Any attempt by the federal government, or those who administer it, to encroach upon, overawe, interfere with, or control the states in the exercise of their reserved rights, or to extend the power of the federal government beyond the limits expressly prescribed by the constitution of the United States, is a usurpation and infraction of those principles which constitute the only basis of our union, and must be dangerous and fatal in its consequences—[yeas 20, nays 12.]

That this general assembly views with profound regret the spirit manifested to enlarge the powers of the general government, and to wield those which are conferred to obtain an influence over the states to interfere with the domestic policy of the state governments, to overawe and control them in the free exercise of their reserved rights, and so to consolidate the states, by degrees, into one sovereignty, the obvious tendency and inevitable result of which would be to transform the present republican system of the United States into an absolute, or, at best a mixed monarchy—[yeas 20, nays 12.]

That this general assembly consider the proposition lately made in the congress of the United States to invest the surplus revenue of the nation in stocks issued by the states, as a measure fraught with danger, calculated to give to the federal government a power which, if wielded by corrupt hands, would be inimical to the liberties of the country in an eminent degree, and, under all circumstances, injurious. It may be properly characterized as one of those measures "in fiscal systems and arrangements which keep a host of commercial and wealthy individuals embodied, and obedient to the mandates of the treasury;" and it would give to the federal government a decided influence in the councils of such states as it might be thought expedient to win to its purposes. It would foster and encourage a system of gambling and speculation in stocks, giving to the agents of the government the opportunity of employing the public money to promote private interests, to reward corrupt favorites, and acquire an interest among the community, leading to servile devotion to those clothed with the power of the general government—[yeas 20, nays 12.]

If to this be added an increase of the standing army and navy beyond the necessities of the country, which will on one hand enlist the tendency of man to pay homage to his fellow-creature who can feed and honor him, and, on the other, employ the principle of fear, by punishing imaginary insurrections under the pretext of preventive justice; and if we further have enormous expenditures of the public treasure in the construction of fortifications necessary in a country where the government must keep the people in subjection, but here only to be tolerated, at points essential to defence from foreign foes; and if, in this course of policy, swarms of officers, civil and military, are required who can inculcate political tenets tending to consolidation and monarchy, both by indulgences and severities, and can act as spies over the free exercise of human rights; if all these measures are at once pursued by the general government, we may well fear the tendencies to consolidation, and warn the people of approaching danger—[yeas 20, nays 12.]

Resolved, That our senators in congress be instructed, and our representatives requested, to vote against any bill for investing the surplus revenue of the United States in stocks issued or authorised by the respective states, believing that the most safe, just, and federal disposition which could be made of the surplus revenue would be its apportionment among the several states—yeas 20, nays 11.]

Resolved, That copies of the foregoing resolutions be transmitted by the governor to each of the senators and representatives in congress, to be laid before the senate and house of representatives of the United States.

These resolves, after passing the senate, passed the house of representatives by a vote of 56 to 11.

—••••• THE CROPS.

From the Philadelphia National Gazette.

The following is extracted from the Commercial List and Philadelphia Price Current of Saturday the 11th inst. Later advices than could have been possessed by the editor of the Price Current, at the date his remarks were composed, mention further advances in wheat, &c. in the English corn markets.

The coming crops—From various parts of the country it is now ascertained, that the wheat crop has sustained considerable injury, and in some places it has been nearly destroyed by the fly. From our various correspondents we learn that the

prospect is also quite unfavorable for an average crop of rye and corn. In some sections the grub worm has been very destructive.

Late advices from Liverpool state that the spring has so far been cold and backward, and that prices of grain are creeping up a little. There is also a decided diminution in the quantity of wheat sown, oats and barley having paid the farmer much better during the last two years. English wheat is quoted 7 to 8s.; Irish 6s. 1d. a 7s. 4d.; American 7s. a 7s. 6d.; Dantzic 7s. 2d. a 7s. 9d. per 70 lbs.

From Dauphin and Luzerne counties are the annexed accounts:

Dauphin county—From all parts we learn that the wheat crop is going to be lighter than it has been in the remembrance of our oldest citizens. In many parts of this county our farmers will not reap as much as they sowed. This is also the case in the counties adjoining. The wheat crop is gone—nothing can save it, and those who are so fortunate as to have any to dispose of may expect a higher price for it than it has commanded for twenty years, unless our wants are supplied from some distant source.

[*Penn. Telegraph.*]
Luzerne county. Kingston, June 8. We understand the wheat crops in this section of country, generally, are not promising. The severity of the winter it is said had an unfavorable effect upon wheat, and the insect is now at work in many fields.

A letter from Reading dated 7th June, says: "It has now rained with us 15 days, but as to its benefiting, the crop, particularly the wheat it is all idle. I am now confident that there will not be a quarter crop in Berks county."

A second letter says: "The wheat crop is daily becoming worse and worse, the ravages of the fly are very great."

A third letter of the 3rd of June, written by a person a few miles out from Reading, in Berks county, states that in that neighborhood some farmers are ploughing up their wheat fields—some pasturing them, others manuring them, and many purchasing wheat for seed for the ensuing crop.

From Bucks, Montgomery, Lehigh, Northampton, Lancaster, Lebanon, York, Cumberland, and other adjoining counties of Pennsylvania—throughout Maryland, not only in the fertile western counties, but all lower Maryland, both shores of the bay—throughout the rich wheat raising districts of western Virginia, and in lower Virginia south of the James river, the same calamity is to be deplored. What the prospect is in lower Virginia, between the James river and Potomac, we are not informed.

Those acquainted with the history of the Hessian fly need not be informed, that the destruction caused by that insect, which is ascertained to be generally even in those fields which to day promise some yield, has not yet fully developed itself. Time has not permitted its operations to their extent.

Why should this dispensation be concealed or glossed over? Why should expectations of better results to the harvests be made than the existing reality and the known operations of the Hessian fly permit? We fear that the language of the Dauphin county Pennsylvania Telegraph is too true: "The wheat crop is gone, nothing can save it." The injuries it has already sustained would seem to be irretrievable.

The last crop of Indian corn did not, in great part, attain to sufficient maturity to keep—it is daily perishing. The recently planted (and now planting, upon the ploughed up wheat fields), crop of Indian corn exhibit, from all accounts, a very unpromising aspect; and there will, in all probability, be a failure of it, unless the future weather of summer be propitious and protracted—propitious, beyond all experience of our seasons.

That immediate importations of grain to any extent from Europe are not to be expected, is obvious. Prices in this country were declining in April and May. No apprehensions were, until towards the close of May, entertained for the growing harvests. Would any merchant in the United States or in Europe undertake shipments of grain to the United States in the face of declining prices, and of a growing crop, coming to maturity in July—respecting which no apprehensions were expressed, none made public?

Should the alarm now commencing, excite shipments to arrive even late in the autumn, it will be well—it is the best that can be anticipated—for the latest accounts from England forbid the anticipation of any foreign grain being likely to come to this country, until prices here may have approximation to *famine prices*.

The introduction to the paragraph in this paper of yesterday, purporting to be taken from the Pittsburgh Advocate would have been more correct, had it read that in the entire northern, north western and eastern sections of the state of Pennsylvania, the injury sustained from the Hessian fly, the extent of which is not yet fully developed, has been of the most calamitous character.

The first notice of the appearance of the Hessian fly in the Valley of the Mississippi that has appeared, is that published by us yesterday from Tennessee of the extensive destruction to the wheat crops of that state. It is to be borne in mind the south, where the crops caused by this insect first manifested themselves as the maturing of the crops usually progress. The insect may not exist where it is not already known to be, but it is probable that it does exist where as yet it is not acknowledged. So wide spread a dispensation of this nature, as the present is ascertained to be, is not within the memory of man.

The Pittsburgh Advocate may have occasion to alter its representation. From Muncey, Lycoming county, the following appears in the Commercial Herald of this morning. Muncey is among the most fertile parts of the county.

The fly has destroyed the wheat crop in this section of the country. Fields which looked very well a few weeks ago, will not be worth the cutting. The rye fields bid fair for an average crop. The corn looks very bad. Owing to the drought about the time of planting, it did not come up, and the continued rain for eighteen days, which succeeded, caused the replanting, in many instances to rot in the ground.

[*Muncey Telegraph, June 11.*]

The Richmond Enquirer of the 10th instant, as quoted in the New York Journal of Commerce of Monday, together with several notices of the Virginia and Maryland wheat crops more or less favorable as to their production, remarks, "in several parts of Pennsylvania and Delaware the crop is unpromising."

This same general observation amounts to absolute misrepresentation, by the idea it conveys to every reader's mind—to convey the truth, the observation ought to be, that throughout the greater part of Pennsylvania, every part yet accurately heard from, and throughout the state of Delaware, including the best cultivated and most productive wheat raising districts in both states, the prospects of the growing crop is of a deficiency thereof of an alarming character.

If our readers will refer to their maps they will better realize the extent of the calamity, than can otherwise be brought to their minds. Pennsylvania, Delaware, Maryland and Virginia, all deficient to an alarming extent.

FLORIDA INDIANS.

In a recent speech in the house of representatives, colonel White, of Florida, gave a sketch of the history of the Florida Indians, the information contained in which is interesting at the present moment. He says that the Florida Indians are the remains of that ancient and warlike tribe called the Natches tribe on the Mississippi, which formerly waged such fierce war with the French, and driven by them from the lower part of the Mississippi, retreated along the northern coast of the Gulf of Mexico, and united with broken bands of Biloxies, Red Sticks and runaway Creeks, called Seminoles. The word Seminole means a wanderer and runaway, and hence, the runaway Creeks being the most numerous, the name of the whole mixed tribe who settled in Florida.

As early as 1784 these Indians entered into a treaty of alliance offensive and defensive with the Spanish government, by which they were incorporated into the Spanish monarchy, with certain reserved rights, depending chiefly on the will of Spain. In this state of things the Floridas were ceded to the United States by the treaty of the 22d February 1819, in which treaty no mention was made in any form of the Indians. In the mean time, however, during the Indian wars in the southern United States after the revolution, their numbers were greatly increased by Creeks who fled from our territory into the then Spanish territory.

When the two provinces of East and West Florida were delivered to the United States by the Spanish commissioners, the white population was confined to the towns of St. Augustine and Pensacola, and the whole region between these two places, one on the Atlantic and the other on the Gulf of Mexico, distant four hundred miles one from the other, was occupied in a manner by these roving savages. What was to be done with the Indians, was the first question of course that presented itself to congress after the session. At that period already they were reduced to great extremities for want of food, game being very scarce, and they being too idle and dissolute to work.

In the beginning of 1823, Mr. Calhoun, the then secretary of war, in answer to a call of the Indian committee, communicated various documents relating to these Indians, among them several letters from gen. Jackson, then governor of Florida.

In one of these letters from gen. Jackson, dated 20th September, 1821, referring to a talk he had had with the head chiefs of the Florida Indians, he says, "They acknowledge that it is just that those who rejected peace when it was offered to them, and fled from their own country, continuing the war, ought to return to their own nation." The president proceeds, "I am of opinion, from the smallness of their numbers, and the shape of the Floridas, that it would be much better policy to move them all up, and amply to provide for them by an annuity."

General Jackson, in a talk to the Indians on the 18th September, 1821, told them, "those who fled from their nation, and joined in the war against us, must return to their country, where their chiefs are willing to receive them. They cannot be permitted to settle all over the Floridas."

The chiefs were satisfied with what was then communicated to them. By a letter subsequently addressed to the secretary of war, he says: "The exposed situation of the Floridas imperiously demands that its frontier upon the coast should be immediately inhabited by white citizens." He states, "the largest portion of the Seminoles are a part of the Creek nation;" and adds, "with what pretence of justice can those who fled from the Creek nation, and kept up an exterminating war on our frontier, until crushed by the arm of our government in 1813, set up such claims?"

The committee on Indian affairs, after examining these documents, reported that in their opinion, the Indians as a nation own no land in Florida, except where it was granted to them

by the Spanish authorities, and that they stood to our government in the relation of domestic dependant communities. This report was concurred in by the house. Congress and the executive at that time were of opinion, that the largest portion of these Indians, being runaway Creeks, should be sent back to the nation to which they belong.

Notwithstanding this opinion and recommendation, the Seminoles were permitted to contract for and obtain possession, by treaty with the United States commissioners, of five millions of land in the peninsula of East Florida. Within a few years after the conclusion of this treaty, the Indians were found actually in a state of starvation, and a large sum was appropriated by government for their relief.

In 1827, in consequence of statements made by the agent of the Seminoles, colonel White was appointed a commissioner to offer them a country of sufficient extent to the west of the Mississippi, with a guarantee of title forever. Being unwilling to go without an examination of the country, nothing was then effected. Three or four years afterwards, the Indians themselves made proposals to enter in a treaty to move west of the Mississippi, and in 1832 a conditional convention was entered into, by which the Seminoles relinquish all claim to the land they held in Florida and agreed within three years to remove from it. When this term expired, they showed reluctance to comply with the terms of the treaty. Our government then told them they must go, or be forced. After remonstrances and petitions, they entered into a new agreement with the commanding general Clinch to fulfil the above treaty, one more year being allowed them to get ready to move.

At the expiration of this term of a year, instead of complying with their promises and pledges, they commenced hostilities against the inhabitants of Florida, laid waste three counties, destroyed more than a million of property, and massacred one hundred United States troops. [Balt. American.]

OFFICIAL ACCOUNT OF THE TEXIAN VICTORY.

Head quarters of the army, San Jacinto, April 25th, 1836.

To his excellency D. G. Barnett, prest. of the republic of Texas.

SIR: I regret extremely that my situation since the battle of the 21st has been such as to prevent my rendering you my official report of the same, previous to this time.

I have the honor to inform you, that on the evening of the 15th inst. after a forced march of fifty-five miles, which was effected in two days and a half, the army arrived opposite Harrisburg; that evening a courier of the enemy was taken, from whom I learned that general Santa Ana, with one division of his choice troops had marched in the direction of Lynch's ferry on the San Jacinto, burning Harrisburg as he passed down. The army was ordered to be in readiness to march early on the next morning. The main body effected a crossing over Buffalo Bayou, below Harrisburg, on the morning of the 19th, having left the baggage, the sick, and a sufficient camp guard in the rear. We continued the march throughout the night, making but one halt in the prairie for a short time, and without refreshment. At day-light we resumed the line of march, and in a short distance our scouts encountered those of the enemy, and we received information that general Santa Ana was at New Washington, and would that day take up the line of march for Anahuac, crossing at Lynch's.

The Texian army halted within half a mile of the ferry in some timber, and were engaged in slaughtering beeves, when the army of Santa Ana was discovered to be approaching in battle array, having been encamped at Clopper's point eight miles below. Disposition was immediately made of our forces, and preparation for his reception. He took a position with his infantry, and artillery in the centre, occupying an island of timber, his cavalry covering the left flank. The artillery, consisting of one double fortified medium brass twelve pounder then opened on our encampment. The infantry in column advanced with the design of charging our lines, but were repulsed by a discharge of grape and cannister, from our artillery, consisting of two six pounders. The enemy had occupied a piece of timber within rifle shot of the left wing of our army, from which an occasional interchange of small arms took place between the troops, until the enemy withdrew to a position on the bank of the San Jacinto, about three quarters of a mile from our encampment, and commenced fortification. A short time before sunset, our mounted men, about eighty-five in number under the special command of colonel Sherman, marched out for the purpose of reconnoitering the enemy. Whilst advancing, they received a volley from the left of the enemy's infantry, and after a sharp rencounter with their cavalry, in which ours acted extremely well, and performed some feats of daring chivalry, they retired in good order, having had two men severely wounded and several horses killed. In the mean time the infantry under the command of lieutenant colonel Millard, and colonel Burleson's regiment, with the artillery, had marched out for the purpose of covering the retreat of the cavalry if necessary. All then fell back in good order to our encampment about sunset, and remained without any ostensible action until the 21st, at half past three o'clock, taking the first refreshment which they had enjoyed for two days. The enemy in the mean time extended the right flank of their infantry so as to occupy the extreme point of a skirt of timber on the bank of the San Jacinto, and secured their left by a fortification about 5 feet high, constructed of packs and baggage, leaving an opening in the centre of the breastwork in which their artillery was placed, their cavalry upon their left wing.

About nine o'clock on the morning of the 21st, the enemy were reinforced by 500 choice troops under the command of general Cos, increasing their effective force to upwards of 1,500 men; whilst our aggregate force for the field numbered 783. At half past three o'clock in the evening, I ordered the officers of the Texian army to parade their respective commands, having in the mean time ordered the bridge on the only road communicating with the Brazos, distant eight miles from our encampment, to be destroyed, thus cutting off all possibility of escape. Our troops paraded with alacrity and spirit, and were anxious for the contest. Their conscious disparity in numbers seemed only to increase their enthusiasm and confidence, and heightened their anxiety for the conflict. Our situation afforded me an opportunity of making the arrangements preparatory to the attack, without exposing our designs to the enemy. The first regiment, commanded by colonel Burleson was assigned the centre. The second regiment, under the command of colonel Sherman, formed the left wing of the army. The artillery, under the special command of colonel George W. Hockley, inspector general, was placed on the right of the first regiment, and four companies of infantry, under the command of lieutenant colonel Henry Millard, sustained the artillery upon the right. Our cavalry, sixty-one in number, commanded by colonel Miraban B. Lamar, (whose gallant and daring conduct on the previous day had attracted the admiration of his comrades, and called him to that station), placed on our extreme right, completed our line. Our cavalry was first despatched to the front of the enemy's left, for the purpose of attracting their notice, whilst an extensive island of timber afforded us an opportunity of concentrating our forces and displaying from that point, agreeably to the previous design of the troops. Every evolution was performed with alacrity, the whole advancing rapidly in line, and through an open prairie, without any protection whatever for our men. The artillery advanced and took station within two hundred yards of the enemy's breastwork, and commenced an effective fire with grape and cannister.

Colonel Sherman with his regiment, having commenced the action upon our left wing, the whole line, at the centre and on the right, advancing in double quick time, rung the war cry, "Remember the *Alamo*," received the enemy's fire, and advancing within point blank shot before a piece was discharged from our lines. Our line advanced without a halt, until they were in possession of the woodland and the enemy's breastwork. The right wing of Burleson's and the left of Millard's taking possession of the breastwork; our artillery having gallantly charged up within 70 yards of the enemy's cannon, when it was taken by our troops. The conflict lasted about eighteen minutes from the time of close action, until we were in possession of the enemy's encampment, taking one piece of cannon, (loaded), four stand of colors all their camp equipage, stores and baggage. Our cavalry had charged and routed that of the enemy upon the right, and given pursuit to the fugitives, which did not cease until they arrived at the bridge which I have mentioned before, capt. Karnes, always among the foremost in dangers commanding the pursuers.

The conflict in the breastwork lasted but a few moments; many of the troops encountered hand to hand, and not having the advantage of bayonets on our side, our riflemen used their pieces as war clubs, breaking many of them off at the breech. The route commenced at half past four, and the pursuit by the main army continued until twilight. A guard was then left in charge of the enemy's encampment, and our army returned with their killed and wounded. In the battle, our loss was two killed and twenty-three wounded, six of whom mortally. The enemy's loss was 630 killed, among which was 1 general officer, 4 colonels, 2 lieutenant colonels, 5 captains, 12 lieutenants, Wounded 208, of which were 5 colonels, 3 lieutenant colonels, 2 second lieutenant colonels, 7 captains, one cadet. Prisoners 730—president general Santa Ana, general Cos, 4 colonels, aids to gen. Santa Ana, 6 lieutenant colonels, the private secretary of general Santa Ana, and the colonel of the Guerrero battalion, are included in the number. General Santa Ana was not taken until the 22d, and gen. Cos, on yesterday, very few having escaped.

About 600 muskets, 300 sabres and 200 pistols, have been collected since the action; several hundred mules and horses were taken, and nearly twelve thousand dollars in specie. For several days previous to the action, our troops were engaged in forced marches, exposed to excessive rains, and the additional inconvenience of extremely bad roads, illly supplied with rations and clothing—yet amid every difficulty they bore up with cheerfulness and fortitude, and performed their marches with spirit and alacrity—there was no murmuring.

Previous to and during the action my staff evinced every disposition to be useful, and were actively engaged in their duties. In the conflict I am assured that they demeaned themselves in such manner as proved them worthy members of the army of San Jacinto. Colonel T. J. Rusk, secretary of war, was on the field. For weeks his services had been highly beneficial to the army, in battle he was on the wing, where col. Sherman's command first encountered and drove the enemy; he bore himself gallantly, and continued his efforts and activity, remaining with the pursuers until resistance ceased.

I have the honor of transmitting herewith a list of all the officers who were engaged in the action which I respectfully request may be published, as an act of justice to the individuals. For the commanding general to attempt discrimination

as to the conduct of those who commanded, in the action, or those who were commanded, would be impossible. Our success in the action is conclusive proof of their daring intrepidity and courage; every officer and man proved himself worthy of the cause in which he battled, while the triumph received a lustre from the humanity which characterized their conduct after victory, and richly entitles them to the admiration and gratitude of their general. Nor should we withhold the tribute of our grateful thanks from that being who holds the destinies of nations, and has in the time of greatest need enabled us to arrest a powerful invader whilst devastating our country. I have the honor to be, with high consideration, your obedient servant,
SAMUEL HOUSTON, *commander-in-chief.*

[ARMY ORDERS.]

Head quarters, San Jacinto, May 5th, 1836.

COMRADES: Circumstances connected with the battle of the 21st, render our separation for the present unavoidable. I need not express to you the many painful sensations which that necessity inflicts upon me. I am soled, however, by the hope, that we will soon be reunited in the great cause of liberty. Brigadier general Rank is appointed to command the army for the present. I confide in his valor, his patriotism and his wisdom—his conduct in the battle of San Jacinto was sufficient to ensure your confidence and regard.

The enemy, though retreating, are still within the limits of Texas—their situation being known to you, you cannot be taken at surprise. Discipline and subordination will render you invincible—your valor and heroism have proved you unrivalled. Let not contempt for the enemy throw you off your guard. Vigilance is the first duty of a soldier, and glory the proudest reward of his toils.

You have patiently endured privations, hardships and difficulties. Unappalled; you have encountered odds of two to one of the enemy against you, and borne yourself in the onset and conflict of battle in a manner unknown in the annals of modern warfare. When an enemy to your independence remains in Texas, the work is incomplete; but when liberty is firmly established by your patience and your valor, it will be fame enough to say, "I was a member of the army of San Jacinto."

In taking leave of my brave comrades in arms, I cannot suppress the expression of that pride which I so justly feel in having had the honor to command them in person, nor will I withhold the tribute of warmest admiration and gratitude for the promptness with which my orders were executed, and union maintained throughout the army. At parting my heart embraces you with gratitude and affection.

SAM'L. HOUSTON, *commander-in-chief.*

Head quarters, army of Texas, Harrisburg, May 10, 1836.

To the people of Texas:

The recent victory—a victory unparalleled in the history of war—has given us signal advantages over the enemy; advantages which, if they are followed up by a prompt, energetic advance upon him will secure to us and our posterity the blessings of liberty and independence.

The force of our enemy now in Texas amounts to upwards of five thousand men; our army to little over one-tenth of that number are advancing upon them. Information derived from our advance renders it evident that they intend retiring to San Antonio, in order to give us time to do what we have once done before—disband and make the country an easy prey. Have you any confidence in the enemy you are contending with? Can you place confidence in the promises of Santa Ana, the man who could, in violation of a treaty, murder your brethren and friends in La Bahia? Do you expect to secure your liberty and independence by any other means than the strength of your arms and the sure aim of your rifles? I trust not. Then if you would have your country, if you would prevent a recurrence of the tragical scenes of San Antonio and La Bahia, turn out at once, join the army—drive the enemy from your soil, secure your rights and avenge the death of your brethren, whose bleaching bones yet lie on the prairies at La Bahia.

The laws of the land require you to serve your country—your own honor and reputation demand of you, and the laws impose as a penalty for a failure to do your duty the loss of property and citizenship.

To our friends of the United States I would say, you may be told, as you have before been told, that the war is at an end; that there is no farther need of men. It is not so. The people of Texas, a small number of men, struggling for the sacred principles of human liberty, need your assistance. We present to you one of the most delightful countries on the face of the globe; we offer you the most liberal remuneration in land; we present to you a field where daring and enterprising bravery may measure arms with a hireling soldier, who are warring against the sacred rights of man, and have unhallowed hands in the best blood of the United States. Come, then, to our assistance, let us plant our standard in defiance of the yoke of tyranny, upon the Rio Grande.

THOS. J. RUSK,

brig. gen. and commandant of the Texian army.

SKETCH OF SANTA ANA.

Some particulars of this personage, which we have derived from gentlemen intimately acquainted with him, may be interesting to the public.

Santa Ana is about 42 years of age, and was born in the city of Vera Cruz. His father was a Spaniard of old Spain, of respectable standing though poor, his mother was a Mexican. He received a common education, and at the age of 13 or 14 was taken into the military family of the then intendant of Vera Cruz, gen. Davila, who took a great fancy to him and brought him up. He remained with gen. D. until about the year 1820. While with Davila he was made a major, and when installed he took the honors very coolly, and on some of his friends congratulating him he said, "Si mihi ciera dios qui siera estar algo mas." [If you were to make me a God, I should desire to be something greater.] This trait developed at so early a period of his life, indicated the existence of that vaulting ambition which has ever since characterized his life.

After serving the Spanish royal cause until 1821, he left Vera Cruz, turned against his old master and benefactor, and placed himself at the head of some irregular troops which he raised on the sea coast, near Vera Cruz, and which are called Jaroques in their language, and which were denominated by him his Cossacks, as they are all mounted and armed with spears. With this rude cavalry he besieged Vera Cruz, drove Davila into the castle of San Juan d'Ulloa, and after having been repulsed again entered at a subsequent period, and got entire possession of the city, expelling therefrom the old Spanish troops, and reducing the power of the mother country in Mexico to the walls of the castle.

Subsequent to this Davila is said to have obtained an interview with Santa Ana, and told him he was destined to act a prominent part in the history of his country, and now, says he, I will give you some advice: "Siempre vayas con los muchos," [always go with the strongest party]. He always acted up to this motto until he raised the *grito*, (or cry), in other words took up the cudgels for the friars and church. He then overturned the federal government and established a central despotism, of which the priests and the military were the two privileged orders. His life had been from the first of the most romantic kind, constantly in revolutions, constantly victorious, until the last fatal rencontre.

His manners are extremely affable; he is full of anecdote and humor, and makes himself exceedingly fascinating and agreeable to all who come into his company; he is about 5 feet 10, rather spare, has a moderately high forehead, with black hair, short black whiskers, without mustaches, and an eye large, black, and expressive of a lurking devil in his look; he is a man of genteel and dignified deportment, but of a disposition perfectly heartless, but has never evinced a savageness of character except in the massacres in which he has been implicated in Texas. He married a Spanish lady of property, a native of Alvarado, and through that marriage obtained the first part of his estate called Manga de Clavo, 6 leagues from Vera Cruz. He has three fine children, yet quite young.

The following striking anecdote of Santa Ana illustrates his peculiar quickness and management: during the revolution of 1829, while he was shut up in Oaxaca, and surrounded by the government troops, and reduced to the utmost straits for the want of money and provisions; having a very small force, there had been in consequence of the siege and firing every day through the streets, no mass for several weeks. He had no money, and hit upon the following expedient to get it; he took possession of one of the convents got hold of the wardrobe of the friars dressed his officers and some of the soldiers in it, and early in the morning had the bells rung for mass. People delighted at having again an opportunity of adoring the Supreme Being, flocked to the church, where he was and after the house was pretty well filled his friars showed their side arms and bayonets from beneath their cowls; and closed the doors upon the assembled multitudes. At this unexpected denouncement there was a tremendous shrieking, when one of his officers ascended the pulpit and told the people that he wanted \$10,000 and must have it. He finally succeeded in getting about \$6,500, when he dismissed the congregation.

As a sample of Santa Ana's pious whims we relate the following:

In the same campaign of Oaxaca, Santa Ana and his officers were there besieged by Rincon, who commanded the government troops. Santa Ana was in a convent surrounded by a small breastwork. Some of the officers one night to amuse themselves, took the wooden saints out of the church and placed them as sentries, dressed in uniforms, on the breastwork. Rincon alarmed on the morning at this apparent boldness began to fire away at the wooden images, supposing them to be flesh and blood, and it was not until after some of the officers who were not in the secret had implored Santa Ana to prevent this desecration that the firing ceased.

Many similar facts are related of Santa Ana. We have not room at present to say more than there is no man who has filled the space he has that is so little understood. In short, he is all things to all men. He never was out of Mexico, and the likeness exhibited of him in this city bears no resemblance to him.

CIVIL ACTIONS AT BEL-AIR,

*Brought by the trustees of the bank of Maryland.
From the Baltimore Gazette of the 18th inst.*

The causes were removed from Baltimore county court, where they were instituted, to Harford county court, upon the

affirmations of the several defendants therein, that a fair and impartial trial could not be had in that court. The following statements show the results to this period:

The first cause tried was against Thomas Ellicott, of the last term. The following short copy of the judgment shows the result of this case and its present condition—

Harford county court, August term, 1835.
 The president and directors of the bank of Maryland, use of John B. Morris, Richard W. Gill and Thomas Ellicott, trustees, vs. Thomas Ellicott.
 31st October, 1835. Verdict for plaintiffs for \$28,100. Judgment nisi and \$1,086 83 cents.
 True copy. Test, HENRY DORSEY, clerk.
 Appeal entered by defendant, 7th December, 1835.

The next cause tried was against Poultney, Ellicott & Co. The following short copy shows the verdict in this case—

Harford county court, March term, 1836.
 The president and directors of the bank of Maryland, use of John B. Morris, Richard W. Gill and Thomas Ellicott, trustees, vs. Samuel Poultney and Wm. M. Ellicott.
 16th June. Verdict for plaintiffs for \$34,400.

True copy. Test, HENRY DORSEY, clerk.
 In this case the plaintiffs have made a motion for a new trial, on the ground that the amount of verdict is less than they are entitled to. This motion is now being argued.

The causes against Evan Poultney being called, he confessed the following judgments:

HARFORD COUNTY COURT.
March term, 1836.—Trials, No. 147.

The president and directors of the bank of Maryland, use of Thomas Ellicott, John B. Morris and R. W. Gill, trustees of the bank of Maryland, vs. Evan Poultney.

Judgment for the damages in the declaration to be released on the payment of two hundred and ninety-six thousand five hundred and forty-six dollars and sixty-seven cents with costs, consisting of the principal and interest due on two notes executed by the defendant to the plaintiffs both dated the 31st March, 1834, one payable in nine and one in twelve months, each for one hundred thousand dollars with interest from the 22d March, 1834, and of the further sum of sixty-nine thousand one hundred and eighty dollars, being an item of sixty thousand dollars made by him on six thousand shares of Union bank of Maryland stock, charging himself with the said stock eighty-five dollars a share in his account with the bank of Maryland, and crediting himself in the same account on the same day at ninety-five dollars a share, with interest on the said sixty thousand dollars from the 9th October, 1833—he said defendant having used the said credit for his own benefit.

The said \$296,546 67 to bear interest from this date.
 (Signed)

R. JOHNSON,
 GEO. R. RICHARDSON,
 AUGUST BRADFORD,
 JNO. V. L. McMAHON,
attorneys for plaintiffs.
 HENRY DORSEY, clerk.

True copy. Test,

HARFORD COUNTY COURT.
March term, 1836.—Trials No. 148.

The president and directors of the bank of Maryland, use of Thomas Ellicott, J. B. Morris and R. W. Gill, trustees of the bank of Maryland, vs. Evan Poultney.

Judgment for the damages in the declaration to be released on payments of costs, and of one hundred and three thousand three hundred and eighty-five dollars and twenty-two cents, with interest from this date, the same consisting of the following items.

1st. Eighty-six thousand five hundred and twelve dollars and fifty cents, being the amount of a certificate of special deposit of the bank of Maryland for seventy-five thousand dollars, dated the 18th day of February, 1833, bearing an interest of 6 percent, payable out of the earnings only of the said bank, and the amount of which principal and interest when there were not only no profits, but when the bank was insolvent, he the said defendant paid himself with the funds of the bank on the 27th of November, 1833, without the knowledge of the directors.

Secondly. Of ten thousand eight hundred and sixty-two dollars and forty-two cents, being the amount of the balance appearing upon defendant's current account with the said bank, to be due by him on the 22d March, 1834, with interest from this date.

Of six thousand and ten dollars and thirty cents, being the amount with interest due by defendant, on his account as Evan Poultney, (banker), with said bank, on 2d December, 1832.

REVEREND JOHNSON,
 A. W. BRADFORD,
 JOHN V. L. McMAHON,
 GEO. R. RICHARDSON,
attorneys for plaintiffs.
 HENRY DORSEY, clerk.

True copy. Test,
Bel-Air, 17th June, 1836.

The cause against Philip Poultney was continued on the application of the defendant, and at his cost, in consequence of the absence of a witness.

RECAPITULATION.

Judgment against Thomas Ellicott—from which he has appealed	\$28,100 00
Costs	1,086 22
	\$29,186 22
Verdict against Poultney, Ellicott & Co. (motion for a new trial)	34,400 00
Judgments against Evan Poultney	399,931 89
Total amount	\$463,518 11

It is understood that the court will adjourn after the argument for a new trial in the case against Poultney, Ellicott & Co. has terminated.

There yet remain to be tried the suit against Philip Poultney, and two suits against E. Poultney upon his notes for \$200,000, bearing interest from 22d March, 1834.

TAILORS' COMBINATION TRIAL.

From the Journal of Commerce.

COURT OF OYER TERMINER. Henry Falkner, Wm. Livingston, James Noe, Alexander Hume, Peter Moss, Joshua Busey, Geo. Smith, John Walsh, Daniel S. Gray, Thos. Keating, Thos. Renter, Howel Vane, John Bomberger, Stephen Norris, James S. Magee, Alex. Douglass, John Dillon, Jas. Skillig, Daniel Rose and Thos. Douglass, were indicted for a riot and conspiracy injurious to trade and commerce.

The court has been occupied several days with the trial of twenty-one journeymen tailors for combination. The circumstances connected with it have already so fully come before the public in the police and other reports connected with the case, that it is not now necessary to give a detailed account of it. It will be remembered that some months back there was a strike for wages amongst a large number of journeymen tailors in this city, and that a certain body, called the Trades' Union society, who undertook to make laws and regulations for the trade, made several rules which they insisted on being observed by the master tailors, and on their refusing to comply with these rules, a number of journeymen left their employment and had recourse to threats and promises and various other modes to prevent journeymen tailors from working for any master tailor who did not conform to the rules, and pay the prices laid down by this association. The charges were fully substantiated by evidence.

The court charged the jury. It had been asserted that the individuals now on their trial could not be convicted of the offence charged against them, as they were already indicted for an assault and battery. This, however, formed no legal objection against putting them on their trial for a conspiracy. It had been decided by the supreme court of this state, that if an individual committed a felony, which was a higher offence than a conspiracy, then the conspiracy became merged in the felony, but where the offences committed by the individual were all of the same grade, as in the present case, the commission of the first offence was no legal bar to his being convicted on the second; therefore, a person having committed another misdemeanor, it can be no bar to his being tried for a conspiracy. Relative to the law which was to govern the deliberation in the case now before them, it had been already settled by the supreme court of this state.

The very question involved in the present case was brought before that court, deliberately considered and unanimously adjudicated on. The case in question came before the supreme court, on appeal from the general sessions of Ontario: the crime charged against them was one under our statute. In the case which the court alluded to, the defendants, with other persons, formed a combination, and conspired to prevent journeymen shoemakers working below certain prices, and made a regulation that any person who made coarse shoes for less than a certain sum per pair, should forfeit one dollar, and that they would not work for any boss who gave less than the price fixed on. A Mr. Lunn, however, procured a person named Pennault to make ten pair of shoes at a less price than the defendants had fixed upon, and for this reason they refused to work for him. Another count in the indictment against the defendants was, that they agreed not to work for any shoemaker who employed Pennault, and they refused to work for Mr. Lunn, and made him discharge Pennault. And this conduct the supreme court unanimously decided was a violation of the statute.

The offence committed by the present defendants, if an offence at all, is against the statute which says that if any man enter into a combination injurious to trade or commerce, that constitutes a conspiracy, but at the same time the act says— "That no agreement, except to commit a felony on the person of another, or to commit arson or burglary, shall be deemed a conspiracy, unless some act, besides such agreement, shall be done to effect the object thereof, by one or more of the parties." If then there is a conspiracy against trade or commerce, and any act in furtherance of it is done by one of the parties, it renders them all guilty.

In criminal cases the jury were judges of the law and the facts; this was their constitutional right; but the court trusted that as a discreet jury they would pay proper respect to the opinions of the highest tribunal of the country, which had

unanimously concurred as to what was the exposition of the act; and the supreme court had said in a case similar to the present one, that it was a conspiracy and injurious to trade. That opinion had been read for the jury, and, in the mind of the court, was conclusive on the subject; and if it wanted exemplification, let them suppose that a number of persons engaged in the trade or manufactures of this city would from time to time enter into combinations of this sort and determine not to work under certain rates, and carry their resolutions into effect at times when their services were most necessary, what sort of a state would society be reduced to? For instance, suppose all the carpenters and bricklayers would, at the commencement of next May, determine not to work unless their wages were raised, and demand ten times more than they ought, and could succeed in doing so, what would become of the citizens, or who would occupy their houses? Or suppose that the produce of this country bore the highest price in the foreign market, and every one was anxious to export it; and that, at that moment, all the stevedores, shipwrights and other mechanics, whose services were necessary to fit out ships, insisted upon having ten times the value of their services, such conduct must bring commerce to a stand, and would be well calculated to destroy the trade of the city altogether. If such a system was tolerated, the constitutional control over our affairs would pass away from the people at large, and become vested in the hands of conspirators. We should have a new system of government, and our rights be placed at the disposal of a voluntary and self-constituted association. The settled law of the state was, however, as the court had just stated it, and it was to be hoped that the jury, acting discreetly and with a due regard to the well being of society, would not now turn their back upon the supreme court, and say that an offence was lawful, which they declared to be illegal. Before the jury came to such a conclusion, let them well consider the grievous consequences which must result from their doing so. Much pains had been taken to show that this prosecution was a spiteful proceeding between the masters and journeymen. This, however, was but a narrow and partial view of the subject, and not what the legislature had in view when they established a law for the community at large, and if their law could be now set at naught, or rendered inoperative, the bad effects would be felt by every member of society.

If the law was as the court stated, the next question would be, were the defendants parties to the indictment, and what was the offence charged against them? Amongst other things charged against them was, that they entered into a conspiracy, and agreed not to work for any master who did not give them certain rates which they demanded, or for any master who employed men that worked for a less rate, or for any master who employed men who were not members of their society. They also made various other rules to secure the objects they had in view, which was to place thereby both the master and journeyman tailors under the domination of a few individuals. It would be for the jury to say, whether any body of men could raise their crests in this kind of law, and control others by self organized combinations. This conduct constituted a combination, but it was necessary, according to the statute, that something more than mere agreement should be done. Before the revised statutes were passed, the combination would make the offence, but the legislature has added that, in order to consummate the offence some act must be done by one or more of the parties, in furtherance of their agreement. And on this subject it was perfectly settled, that if a body of men conspire together, and any one of them does an act in pursuance of that conspiracy, that act is to be visited on the whole body, and if the jury were satisfied that the defendants did make an agreement, and that any one of them did an act to carry their agreement into operation, then the offence was consummated. Such was the law, and how stood the facts?

The court then summed up the leading facts of the case. It was unnecessary for the court to state more. It would be insulting the understanding of the jury to suppose they could imagine for one moment, that the prisoners had not taken measures to carry their combination into effect; and if they did form a combination, and take measures to carry it into effect, and that the law was as the supreme court decided it, then the prisoners were indubitably guilty.

The combination had been of so extensive a character, and created so great an excitement, that it might possibly have involved some persons for whom the jury might directly or indirectly feel some interest—but the court and jury must raise themselves above all feelings of friendship or sympathy, and be true to their oaths, and the well being of the public at large; and it was impossible that the acts of the defendants could escape with impunity, unless the court and jury violate their duty in order to take them out of the operation of the law. The court would again impress upon the minds of the jury that the present question was not to be considered a mere struggle between the masters and journeymen. It was one on which the harmony of the whole community depended. Let these societies only arise from time to time, and they would at last extend to every trade in this city, and we should have as many governments as there were societies. There was no necessity for such societies, and in the end they might operate against the very individuals who belonged to them. Many of these journeymen might themselves become masters, and the combinations which they now formed might hereafter mar their own interests. But the law does not view it as a mere ques-

tion between master and men alone; it looks upon it as a question involving the interests of the entire community, and of every man who wants to live by the produce of his labor.

The jury retired for a short time, and returned a verdict of guilty against all the defendants. Counsel for the prisoners made a motion for time to put in exceptions to the charge; but the court stated its determination to sentence the prisoners on Monday next.

Counsel for the people, Messrs. Phenix, N. B. Blunt and Morris. For the prisoners, Messrs. Western and Whiting.

SENTENCE OF THE COURT.

From the New York Commercial Advertiser, June 11.

This being the day appointed by the court of oyer and terminer for pronouncing sentence on the journeymen tailors, convicted for conspiracy, before ten o'clock a considerable number of persons, apparently mechanics, assembled before the door of the court room, and in the passages of the hall. The numbers continued to increase, although not rapidly, until five minutes past eleven, at which time the doors were opened, and twenty-five minutes to twelve, the court made its appearance, consisting of judge Edwards, and alderman Banks, Benson, Ingraham and Randall. The spectators, whose number amounted perhaps to three or four hundred, were perfectly quiet and evidently disposed to create or countenance no disturbance. An efficient force of officers was, however, very properly in attendance.

The defendants were called as follows:—Henry Faulkner, Wm. Livingston, Jas. Noe, Alexander Hume, Peter Moss, Joshua Busey, George Smith, Jno. Welsh, David S. Gray, Thos. Keating, Thos. Renton, Howell Vail, John Bomberger, Stephen Norris, Jas. S. Magee, Alexander Douglass, Jonathan Delong, Jas. Skillen, Dan'l Rose and Thos. Douglass. All answered.

Mr. Western rose and said the right of defendants to move an arrest of judgment was unquestionable. It had been held that an objection in arrest of judgment could not avail, in the appellate court, because not raised in the court below. For this reason, he would now state his objections.

1. That no substantial offence appears on the face of the indictment.

2. That even if such an offence is charged, yet the evidence does not bring any one of defendants within the penalty of the law, under the indictment and the opinion of judge Savage.

3. That the judge, by his charge, took from the jury both law and fact.

He stated these objections, asking the court to reserve them for the benefit of the defendants, ruling as it should think proper.

Mr. Whiting also urged that the exceptions taken in the progress of the trial, should be reserved for the benefit of the defendants. He asked the court to suspend the sentence until the bill of exceptions can be disposed of, because, if passed the defendants would have no means of escaping the infliction of the penalty, although the judgment may be reversed on the writ of error. The bill of exceptions is taken in good faith, and will be brought to a decision as soon as possible.

Mr. Western said the conspiracy in this case, if there was one, was not against the public peace, but against thirty or forty master tailors, and read a case in which Lord Ellenborough gave his opinion that persons conspiring to commit a civil trespass, should not be indicted criminally.

Mr. Blunt asked if the court wished to hear any reply. Judge Edwards said that the counsel was under misapprehension in saying that the court had wrongly charged the jury. The other points were embraced in the opinion of the supreme court, and need not be again determined by this court.

The court could not consent to suspend the sentence. They conceived the points of exception to be already decided by the supreme court against the defendants, and they had not the slightest expectation that the decision would be reversed on the bill taken in the case.

Judge Edwards proceeded to pass sentence. He recapitulated the charges of the indictment—defined conspiracies, and commented on their effects, as shown in this city, and particularly in the case of these defendants. He said combinations were not necessary in this country for the protection of mechanics, or any other class. They were of foreign origin, not in harmony with our institutions, or with the character of our people. He believed they were mainly upheld by foreigners.

In passing sentence, the court had been influenced by the recommendation to mercy of the jury, by the poverty of the defendants, and by the belief that they acted in ignorance of the law; a belief strengthened by the fact, represented to the court, that most of them were foreigners. The court were determined to punish mildly, in this instance, but at the same time gave the assurance that a repetition of the offence, would be visited with increased severity.

Henry Faulkner, who was president of the society, and as it appeared in evidence, the master spirit of the proceedings of the defendants, was sentenced to pay a fine of \$150.

Howell Vail, another very active party, to a fine of \$100. And the others, to a fine of \$50 each; and to stand committed until these fines are paid.

When the judge ceased speaking, a few hisses were heard from among the auditory—not more than five or six, however—and orders being immediately given to the officers, to arrest any person making disturbance in that or any other way, silence was at once restored, and the court room quickly emptied.