Mexico. Under this impression, he thought it our duty to recognize at the earliest period the independence of Texas, for the good both of that country and Mexico. If this were not done, and the contest should con- and their seats. tinue, Texas would not be confined within the limits of the Del Norte. She would pass over, and shake the Mexican Confeeracy, or whatever else it might be called. Mr. C. was willing to vote for the recognition, and the earlier the better.

The message and documents were now ad on the table, and ordered to be printed.

HOUSE OF REPRESENTATIVES.

January 25, 1837. The hour having elapsed, the House, on motion of Mr. Vanderpoel, proceeded to the orders of the day.

ADMISSION OF MICHIGAN. The unfinished business was the Bill to ovide for the admission of the State of provide for the admission of the State of Michigan into the Union; and the pending question was on the demand of Mr. Abijah Munn, submitted yesterday for the previous

The House seconded the call, and ordered that the main question should now be

Mr. Briggs, of Mass., called for the Yeas and Nays on the main question, which were

And the main question "Shall the Bill be ordered to a third reading" was then taken, and decided in the affirmative: Yeas 140. Navs 58.

YEAS-Mesers. John Quincr Adams, Anthony, Ash, Barton, Bean, Bell, Black, Bockee, Boon, Bouldin, Bovee, Boyd, Brown, Buchanan, Bunch, Burns, Bynum, John Callicon, Cambreleng, Carr, Casey, Chapman, Chapin, N. H. Claiborne, John P. H. Claiborne, Cleveland, Coles, Connor, Craig, F.H. Clalborne, Cieveland, Coles, Connor, Crang, Cramer, Cushman, Davis, Denny, Doubledg, Dromgoole, Dunlap, Fairfield, Farlin, Forester, Fowler, Fuller, Galbraith, James Garland, Rice Garland, Gholson, Gillet, Gilascock, Graham, Grantland, Haley, Joseph Hall, Hamer, Hannes, Abort G. Harrison, Grantland, Haley, Joseph Hall, Hamer, Grantland, Haley, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Holt, Howard, Howell, Hubley, Hunt, Huntington, Hontsman, Ingham, Joseph Johnson, Richd. M. Johnson, Cave Johnson, Henry Johnson, Benjamin Jones, Kennon, Kilgore, Klingenemith, Lane, Lansing, Laporto, Lawler, Lay, Gideon Lee, Joshua Lee, Thomas Lee, Luke Loa, Leonard, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, William Muson, Moses Mason, May, McComns, McKay, McKeon, McKim, Miller, Montgomery, Morgan, Morris, Muhlenberg, Owens, Page, Parks, Patterson, Franklin Pierce, Duttee J. Pearce, Peyton, Phelps, John Reynolds, Joseph Raynolds, Rogers, Schenck, Seymour, Augustine H. Shepperd, Shields, Sickles, Smith, Sprague, Standifer, Sutherland, Taylor, Thomas, John Thomson, Toucey, Towns, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks, White, Thomas T. Whittlesey and Yell—140.

NAYS—Messrs, Heman Allen, Bailey, Bond, Briggs, William B. Calhoun, George Chambers,

Briggs, William B. Calhoun, George Chambers, John Chambers, Chaney, Chetwood, Darlington, Dawson, Deberry, Eimore, Graves, Grayson, Griffin, Hiland Hall, Hardin, Harper, Hazeltine, Griffin, Hiland Hall, Hardin, Harper, Hazeltine, Heister, Hopkins, Ingersoll, Janes, Jarvis, Jenifer, Lawrence, Lewis, Lincoln, Love, Sampson Mason, McCarty, McKennan, McLane, Mercer, Milligan, James A. Pearce, Phillips, Pickens, Pinckney, Potts, Reed, Rencher, Russel, Slade, Pinckney, Potts, Reed, Rencher, Russel, Slade, Pinckney, Fotts, Reed, Rencher, Waddy Thompson, Underwood, Vinton, Elisha Whittlesey, Lowis Williams, Sherrod Williams, Wise, and

And the House determined that the Bil should be read a third time, now. The question then recurring on the fina

passage of the Bill:
The House was addressed by Messrs. Jenifer, Thomas, Howard, and Pearce, of

The remarks of these gentlemen were Maryland. It was contended by Messrs. Jenifer and Pearce that the proceedings of the second convention of the state of Michigan, were politically akin to the movement of the nineteen; and it was argued on the other hand, by Messrs. Thomas and Howard, that the people, represented as they were, had a right in both instances to act as they did. The debate, in some points, grew warmly personal; but all offensive expressions were subsequently explained away, as not being intended to give individual offence, but as having reference merely to great ge-

neral principles.

Mr. Cushman rose to inquire whether the House was not of opinion that this question had been sufficiently debated. He felt perfectly sensible himself that it had been, and he therefore moved the previous ques-

[This announcement was received with roars of laughter from every part of the House.]
But the House seconded the call, and or-

dered that the main question should now be

Mr. Chapin, of New York called for the yeas and nays on the main question, which

And the main question, "Shall the bill pass?" was then taken, and decided in the firmative—yeas 132; nays 43.

pass? Was then taken, and decaded in the affirmative—yeas 132; nays 43.

YEAS—Messre. Adams, Chilton Allan, Anthony, Ash, Ashley, Barton, Bean, Beaumont, Ball, Black, Bockee, Bouldin, Bovee, Boyd, Brown, Buchanan, Burns, John Calhoon, Cambreleng, Campbell, Carr. Carter, Casey, Chaney, Chapman, Chapin, N. H. Claiborne, John F. H. Claiborne, Connor, Cramer, Cushman, Denny, Doubleday, Dromgoole, Dumlap, Efner. Farlin, Forester, Fry, Fuller, Galbraith, James Garland, Rice Garland, Gholson, Gillet, Glascock, Graham, Grantland, Grayson, Haley, Joseph Hall, Hamer, Hannegan, Albert G. Harrison, Hawes, Hawkins, Haynes, Honderson, Harod, Koward, Howell, Hubley, Hunt, Huntington, Huntsman, Joseph Johnson, Richard M. Johnson, t ave Joinson, Kennon, Kilgore, Kingensmith, Lane, Lansing, Lay, Joshua Lee, Thomas Lee, Luke Lea, Leonard, Logan, Loyall, Lucas, Lyon, Abijah Mann, jr. Job Mann, William Mason, Moses Mason, McComas, McKay, McKim, Miller, Montgomery, Moore, Muhlenberg, Page, Parks, Patterson, Patton, Dutee J. Pearce, Peyton, Pinckney, John Reynolds, Joseph Reynolds, Richardson, Robertson, Rogers, Schenck, Soymour, Shepperd, Shields, Shinn, Sickles, Smith, Sprague, Standefer, Sutherland, Taylor, Thomas J. Thompson, Toucey, Turrill, Vanderpoel, Ward, Wagener, Wardwell, Washington, Webster, Wecks, White, Thomas A. Whittlessy, and Yell.—132.

NAYS—Messrs. Bailey, Bond, John Cham-

NAYS-Messrs. Bailey, Bond, John Cham-NAYS—Messrs. Bailey, Bond, John Chambers, Chetwood, Corwin, Crane, Darlington, Dawson, Elmors, Evans, Graves, Griffin, Hardin, Harlan, Hazeltine, Heister, Hoar, Hopkins, Ingersoll, James, Jarvis, Jenifer, Lawrence, Lewis, Luncoln, S. Mason, Morerr, Milligan, James A. Pearce, Pearson, Phillips, Pickens, Potts, Reed, Russell, Stoole, Storer, Tallinferro, W. Thompson, Underwood, Elisha Whittlesey, Lowis Williams and Sherrod Williams—43. a, Underwood, Elisha Whitesay, Junes and Sherrod Williams—43.
SO THE BILL WAS PASSED.

And, on motion of Mr. Briggs, at eight inutes before six o'clock, the House ad-

SENATE-Thursday, Jan. 26. MICHIGAN SENATORS The bill for the admission of the State of

Michigan having received the signature of the President of the United States, Mr. Grundy rose and moved that the Senators is field in his own mind that this individual mr. Cushman moved the previous ques from the State of Michigan be admitted to take their oath and their seats.

tials of the Hon. Lucius Lyon and the ing the election, qualification, and return Hon. John Norvell, which were read, and of the member claiming his seat from Michthose gentlemen accordingly took the oath igan to the committee on elections. He

nature and claim of - to the tract of ritorial subjection, must be null and land on which is the fort at Chicago, in the void. state of Illinois, and that they also inquire Mr. Thomas cited a number of prece whether any part of the claim, or lot of land dents, showing that senators and members has been disposed of or transferred for the of the house from new states, who must purpose of creating an interest, in order to have been elected long prior to the ratifiprocure the confirmation of said claims, catlon of their respective constitutions by and that the Commissioner of the General Congress, had been permitted to take their Land Office proceed no further in the ex- seats ar soon as their states were admitted. amination of said claim until the whole inquiry is had; and that the committee have Alabama and Indiana, bore directly, and power to send for persons and papers and o examine witnesses under oath.

Mr. Ewing, of Illinois, offered a resolu tion requiring the committee on Public Lands to inquire into the expediency of giving the state of Illinois the right of preemption to all the Public Lands, lying within three miles of any of the great public works of the state; which resolution was agreed to.

SPECIAL ORDER. The Senate proceeded to consider the

Bill to prohibit the sale of Public Lands, except to actual settlers, and in limited quan

The question being on the motion of Mr. Morris, to strike out the 4th section of the

Mr. Walker (with the consent of M Morris) proposed an amendment of this section so as to obviate what he conceived to be the principal objections to the section which amendment was agreed to. Mr. Morris, considering the change as

beneficial, withdrew his motion, reserving to himself the right to vote for or against the bill as he might think proper. Mr. Ruggles stated that the amendment

had a retrospective, as well as prospective operation. To the latter he had a strong objection. After the bill should be reported to the Senate, he would state his objec-

Mr. Walker then moved other amendments, with a view to make the bill more secure against evasions.

Mr. Morris took an opportunity to state, that on further reflection, he had come to the conclusion that the objectionable feature in the 4th section had not been removed by the amendment of the Chairman. There were other objections he had to the bill, but he was willing that the Chairman should render the bill as perfect as possible, before he took further ground against it.

Mr. Linn suggested to the Senator the propriety of making a motion to strike out

clause of the 3d section, viz:-" and in all cases of the forfeiture of the title to the United States, under the provisions of this act, the purchase money shall be refunded without interest." He stated that the effect of this provision would be to induce individuals, after an occupation of lands for five years, in many instances, to forfeit the lands,

und get back the purchase money. Mr. Walker thought such cases would be rare, and that the loss of his tract, of the privilege of making any future purchases of Public Lands, of the taxes he had paid, directed, almost exclusively, to the late re- of his improvements, and the interest of his volutionary movement of the nineteen re-

Mr. Grundy said that the timber on the banks of the Mississippi was of immense value, and that a man who would take his negroes, cut down this timber, and, at the end of five years forfeit his purchase, would make as large a fortune as could be wish

Mr. Linn acquiesced in the propriety nese objections to the provision.

Mr. Walker said, the Committee on Pu lic Lands had no objections to the provision, the striking out of which would place the bill precisely in the form in which it was

The clause had been inserted to gratify some Senators from the new States, who had declared that they would vote against

the bill without such provision.

Mr. Clay suggested that if the clause was retained, in a financial view the Secretary of the Treasury would be in constant per plexity how to make out his annual estinates, as he could not foresee what quantity f lands would be forfeited, and what mount of money would be to be forfeited.

The amendment was agreed to. Mr. Clay moved to strike out the various rovisions for the forfeiture of the purchase noney, which occur in different parts of the bill, for the purpose of avoiding incongruity,

which was agreed to.

Mr. Ewing, of Ohio, in reference to the nent which he had laid on the table some days since, said he would decline offering himself, because he did not wish to meet it hereafter, as his proposition, being opposed to the Bill altogether. If any othe ator wished to make the motion, would support it with his vote, although he should vote against the Bill.

House of Representatives. TEXAS.

The Speaker presented a message from the President of the United States, trans-mitting a report from the Secretary of State with accompanying documents, on the sub-ject of the relations between the United ject of the States and Mexico, and transmitting further information in relation to the political con-

dition of Texas. Mr. Howard, of Md., moved that th message and accompanying documents be referred to the Committee on Foreign Af-

fairs, and be printed.

Mr. Boyd, of Kentucky, moved to amer Mr. Boyd, of Kentucky, the motion of Mr. Howard by requesting the motion of Mr. Howard a resolution the said Committee to report a resolution acknowledging the Independence of Texas.

The House was instantly in an uproar, and a number of members were on the

Mr. Reed, of Mass., called for the read ing of the message and documents.

Mr. Vinton moved an adjournment, whice motion prevailed.

FRIDAY, January 27. Mr. Thomas moved that Isaac E. CRARY who was in attendance from the State of Michigan, and whose credentials were presented at the last session of Congress be now qualified, sworn, and assigned to his

Mr. Robertson said, being perfectly satwas not entitled to a seat on that floor, he must oppose the motion; and he there.

Mr. Thompson of South Carolina drew his motion to reconsider.

Mr. Grundy then presented the creden- fore moved to commit the question touchmr. Morris offered the following resoluwas not a state of this Union, which only Resolved, That the committee on the took place yesterday, and that any election Judiciary be instructed to enquire into the made by her, when in a state of Ter-

> Congress, had been permitted to take their The cases of Illinois, Missouri, Mississippi, Tennessee especially on the point. Mr T. those of Michigan.

Mr. Huntsman called for the reading of what he termed the gentleman's "titles," re-marking that he wished to see "the size of

The papers in question were then read from the Clerk's table, as follows: State of Michigan, ss.

This shall certify that, at an election held on the first Monday in October and the succeeding day, in the year of our Lord one thousand eight hundred and thirty-five, pursuant to the provisions of the sixth section of the Schedule to the Constitution of the state of Michigan, ISAAC E. CRARY was duly elected representative for the state of Michigan in the Congress of the United

In testimony whereof, I have hereinto set my hand, and caused the great cal of the State of Michigan to be affixed. Done at the city of Detroit this 11th day

of November, in the year of our Lord one thousand eight hundred and thirty-five, and of the independence of the United States the six-(Signed) STEVENS T. MASON.

Governor of the State. Mr. Huntsman then said, that if the genlemen chose to amuse themselves with this question, and fight the Michigan battle over again, he, for one, was not disposed to indulge them; and therefore added he "Mr. Speaker, I call for the previous question

most loudly." The Chair stated the main question would be, "that Isaac E. Crary be qualified as a member of the House from the State of Michigan."

The previous question was then second ed by the house—ayes 97, noes not count-ed, and the main question ordered without a division.

Mr. Young said as he wished to record his vote in favor of the admission of Michigan into the Union, he would ask for the yeas and nays on the main question of qualifying its member.

The yeas and nays being ordered, the question was then taken and decided in the affirmative-yeas 150, navs 32, as follows:

Yeas-Messrs. Adams, Chilton Allan, Antho Yeas—Messrs. Adams, Chilton Allan, Anthony, Ash, Ashley, Bailey, Barton, Bean, Bell, Black, Boon, Boyd, Brown, Buchanan, Bunch, Burns, Bynum, John Calhoun, Wm. B. Calhoun, Cambreleng, Carr, Cassey, George Chambers, Chapman, Chapin, John F. H. Claiborn, Cleaveland, Coles, Craig, Cramer, Cushing, Cushman, Darlington, Doubleday, Dunlap, Efner, Elmore, Fairfield, Farlin, Forester, Fowler, Fry, Fuller, James Garland, Rice Garland, Gholson, Gillet, Glascock, Graham, Granger, Grantland, Gren, Fairfield, Farlin, Forester, Fowler, Fry, Fuller, James Garland, Rice Garland, Gholson, Gillet, Glascock, Graham, Granger, Grantland, Grennell, Haley, J. Hall, H. Hall, Humer, Hard. Hardin, Harlan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Merod, Hoar, Holt, Hopkins, Howard, Hubley, Hunt, Huntington, Huntsman, Ingham, William Jackson, Janes, Jarvis, Jenifer, Joseph Johnson, Cave Johnson, Henry Johnson, Benjamin Jones, Kennon, Kilgoro, Klingensmith, Lane, Lansing, Lawler, Lawrence, Lay, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Lewis, Logan, Loyall, Lyon, Job Mann, Win. Mason, Moses Mason, Sampson Mason, Maury, May, McComas, McKay, McKennon McKeon, McKim, Moore, Morgan, Page, Parker, Patterson, Franklin Pierce, Peyton, Phelps, Pickens, Rencher, John Reynolds, Richardson, Rogers, Schenck, Seymour, Augustine H. Shepperd, Shields, Shinn, Sickles, Spangler, Standefer, Steele, Storer, Sutherland, Taylor, Thomas, John Thompson, Waddy Thompson, Turner, Turrill, Vanderpoel, Wardwell, Washinton, Webster, Weeks, White, Elisha Whitelsey, Thomas T. Whittelsey, Yell and Young—150.

Nays—Messrs. Heman Allen, Beale, Bond, John Chambers, Chetwood, Childs, N. H. Claiborne, Corwin, Crane, Dawson, Deberry, Evans, Everott, Graves, Grayson, Griffin, Harper, Hazoltins, Ingersoll, Love, Milligan, Patton, Poarson, Pettigrew, Phillips, Potts, Robertson, Russel, Taliaferro, Underwood, Vinton, and Lewis Williams—39.

So the house decided that Isaac E.

So the house decided that Isaac E. Crary be now qualified to take his seat as a member from the State of Michi-

Mr. Crary was then proceeding to the table, when Mr. Dawson arose, and expressed an intention of moving to reconsider the last vote, to enable him to give his reasons for voting against the admission of Michigan, and against the motion to qualify the gentleman presenting himself as its mem-

The Chair reminded the gentleman from Georgia, that, as he had not voted with the majority, he could not make that mo-

Mr. Dawson, appealed to some gentle man who had voted in the majority to make the motion he had indicated.

Mr. Thompson of South Carolina, he had done so; and to enable his friend from Georgia to assign the reasons for his vote, he moved to reconsider accord-

Mr. Dawson briefly assigned his reasons which were substantially that Michigan was only a Territory and not a State at the e-

only a Territory and lection of Mr. Crary. Mr. Pickens contended that Michigan was a State de facto before her admission, and must be so, by the terms of the Constitution, or she could not be admitted at all, for Congress had power only to admit "States" and not "Territories" into the confederacy. Therefore he should vote for the qualification of Mr. Crary. Mr. Everett rose and caught the eye of the

Mr. Thompson rose at the same time and said he would withdraw his motion to reconsider, but the Chair having announced the former gentleman as obtaining the floor, could not entertain the with-

drawal. Mr. Everett contended that Michigan could not be a State, even under the ordinance, until her admission by Con-

Mr. Crary was then qualified, and took his seat as a representative in Congress from the State of michigan.

In Senate—Saturday, Jan. 28. As soon as the Journal had been read-

existed between us, and I have probably never to return to a body, with which I have been long connected, where some remain may be offered on one branch of the subject whom I found here fifteen years ago, and —the legality and justice of the original where in the progress of pu tire without emotion.

Nor can I give to the Senate the usur

opportunity of choosing another to preside know the true merits of this question to pe-for a time over their deliberations, without ruse it carefully. As to the act of the referring to the matter in which I have President which the Senate assumed to concited from the journal the proceedings on endeavored to discharge a gratifying hon-those cases, in proof of their identity with orable trust connected with the office to which my country called me.

Entering upon it with unaffected diffi-dence, well knowing how little my studies had been directed to its peculiar duties, I was yet strengthened by the determination then expressed, so to discharge the authority with which I was invested as "best to protect the rights, to respect the feelings and to guard the reputation of all who could be effected by its exercise." I was sure that if successful in this I should be pardoned for errors which I could hardly expect to avoid.

In the interval that has since elapsed, it has been our lot in this assembly to pass through scenes of unusual excitement; the intense interest in absorbing topics which has pervaded our whole community could not be unfelt within these walls. The times; the unguarded ardor of sudden debate: and the collisions seldom to be separated from the invaluable privilege of free discussion have not been unfrequently mingled with the more tranquil tenor of ordinary legislation. I cannot hope, that in emergencies like these, I have always been so fortunate as to satisfy every one around me. Yet I permit myself to think that the extent to which my decisions have been approved by the Senate is some evidence that my efforts justly to administer their rules, and laws, if he had committed high crimes and misdemeanors, no legislation would have not been vain; and I conscientiously cherish the conviction that on no occasion have I departed from my early resolution or been regardless of what was due to the rights or the feelings of the members of this body. Though I may henceforth be

separated from the Senate, I can never cease to revert with peculiar interest to my long connection with it. In every situation in my future life I shall remember with a just pride the evidences of approbation and fidence which I have here received: and as an American Citizen, devotedly attached to the institutions of my country, I must always regard with becoming and sincere respect a branch of our government entrusted with such extensive powers, and designed by our forefathers to accomplish such impartant results.

Indulging an ardent wish that every such

cess may await you in performing the ex-alted and honorable duties of your public trust, and offering my warmest prayers, that prosperity and happiness may be constant attendants upon each of you along the future paths of life, I respectfully bid you fare-

Mr. Van Buren then retired, and the the said oaths to each Senator present. Senate proceeded to ballot for a President pro tem. The ballots being deposited, there views which this honorable body had heresary to a choice, of which Mr. King of at the same time too, when they were cool Alabama, had 27, Mr. Southard 7, and the others were scattering. Mr. King of Ala-their high judicial functions. Here sir you bama, was therefore declared to be elected President pro tem, and he was conducted to the Chair by Mr. Benton.

The President protem then addresse the Senate. Mr. Norvell, on leave, introduced a bil

for the relief of James Witherel, which was read twice, and referred to the Committee on Revolutionary claims. Mr. Calhoun offered the following reso

ution, which lies over for one day. Resolved. That the President be reques ed to communicate to the Senate a copy of the correspondence with the government of Great Britain in relation to the outrage committed on our flag, and the rights of our citizens, by the authorities of Bermuda and New Providence in seizing the slaves on poard of the brigs Encomium and Enterrize, engaged in the coasting trade, but which were forced by shipwreck and stress f weather into the ports of those islands.

SPECIAL ORDER. The special order being called, viz: a bill lesignating and limiting the funds receivable or the revenue of the United States.

Mr. Sevier moved to postpone this bill rder to take up the Land Bill.

be taken up.

Mr. Linn was in favor of postponement, and expressed a hope that this Bill would not pass at all, unless the Land Bill should

Mr. Sevier said he would vote for this bill whether the Land Bill passed or not. But the debate on this bill was likely to last

week or ten days.

After a few words from Mr. Moore and Mr. Linn, the question was taken on the to have the offence with which he is chargmotion to postpone, and was negatived—ed, clearly and substantially set forth, and

ayes 13.

After Mr. Walker had concluded, Mr. Webster asked a question relative to an his defence.—Now, Mr. President, let me existing law which makes Virginia scrip ask when the Chief Magistrate of this na-

drew, and Mr. Benton offered the following resolu-

Resolved. That the Senate cordially reiprocate the sentiments of personal kindess expressed by the Vice President towards the members of this body, on taking leave of them, and that the thanks of the Senate be presented to Martin Van Buren, Vice President of the United States, in tesimony of the impartiality, dignity and abili-y with which he has presided over their de-iberations, and of their entire approbation of his conduct in the discharge of the arduous and important duties assigned him

as President of the Senate. The resolution was then considered and

The Expunging Resolution occupies so much attention at present, and is w important in itself, that we feel bound to Mr. Van Buren rose, and took leave of the Senate, in the following address:

Senators—The period is at hand which is to terminate the official relation that has not bear distinctly on the question. It is a convenient abstract of the arguments that years ago, and —the legality and justice of the original resolution. It does not undertake to defend sonal associations have arisen never to be forgotten. From such scenes I cannot retire without emotion.

The progress of plant dathes, perpersonation. It does not indertake to defend the act censured by the Senate, but only examines the propriety of that censure. It is a plain, cogent and brief statement, and we expect every lover of truth, who would demn, the people of the United States have judged of that and given their approval.-N. Y. Times.

SPEECH OF MR. DANA, OF MAINE. In Senate, Jan 12 and 13, 1837-on the **Expunging Resolut**

This Resolution, (in these words, "Resol ved. That the President, in the late proceeding in relation to the revenue, has assumed to himself authority and power not conferred by the constitution and laws, but in derrogation of both,") holds up the President to the people as an usurper; as a violator of that constitution which he has

sworn to support.

My first inquiry, Mr. President, is, how was this resolution passed? In what capacity did this honorable Senate act when warmth of political parties natural in such they passed it? This body has a legislative and Executive character, and, in one instance, and in one alone, a judicial character, viz. the trying of impeachments. Although the Senate has a legislative character, yet it is presumed this body would not act in that capacity only on subjects of le-gislation. And this surely could not be such; there is no matter on which legisla-tive action could be had. If the President was guilty of a violation of the constitution reach him; he must be tried by the consti tution and laws, as they existed at the time of his supposed offence. To me it is clear that this honorable body had no legislative jurisdiction on this subject. Did they then act in their executive capacity; no sir; for their records show no such proceedings in the executive business. He must have been tried, then, by this honorable Senate in their judicial capacity; and this body has the sole power to try all indictments given it by the constitution, and when sitting for that purpose in their judicial character. The rules of procedure, as adopted December 31, 1804, in this honorable Senate, to be observed in cases of impeachment, require—"that at 12 o'clock of the day appointed for the trial of the impeachment the legislative and executive business shall be suspended, and the Secretary shall then administer the following oath to the President of the Senate :- "You solemnly swear (or affirm) that in all things appertaining to the trial of the impeachment of—
you will do impartial justice according to
the Constitution and laws of the United States: and the President shall administe

find an important fact, that the Senate never did exercise their legislative and judicial functions at the same time: they are distinct in their natures, and have ever been so considered by this honorable body, and have ever been so considered by this honorable body, and so exercised by them, until the 28th of March, 1834, when for some purpose, of which I will not now speak, for the first time, (and God grant it may be for the last,) the legislative and ju-dicial functions of this body, contrary to their own rules of procedure, and in violation of the constitution, were exercised at one and the same time, and a judicial sentence is clothed in legislative language. If the object was, sir, to bring a bold offender to justice, why not pursue the legal and constitutional course? Why violate both? But if the object was to exhibit the President as a daring usurper, and unworthy of the confidence of the people, this scheme, this project, would seem to have been the most probable to accomplish it. But it has

failed, totally failed. Again, sir, another rule of this body, adopted at the same time as the former, requires that a summons shall be issued to Mr. Clay said that many Senators had the person, accused which summons shall be some away, not expecting the Land Bill to seal, and served by the sergeant-at-arms. This rule also shows clearly that this honorable body never contemplated the exercise of their legislative and judicial functions at the same time. Then, sir, if this position is correct, the sentence of condemnation contained in this resolution was a indicial act, and could only have been don

Again, sir, it is the right of the accuse to be duly notified of the time and place of The bill was then taken up for discussion.

Mr. Walker made remarks at length in reply to Mr. Benton. his accusers face to face, and then to make existing law which makes Virginia scrip currency a payment for lands, and as it was not answered to his satisfaction, he laid on the table an amendment touching that point, which he would offer on Monday.

Mr. Rives expressed a desire to make some observations in support of the bill, and moved an adjournment, which he withsworn to support, contrary to our own rules—rules which this body had adopted for the trial of such offenders as he is accus-

orable body, without an impeachment, without an accusation of any kind, we have as-sumed jurisdiction, tried and condemned the President of the United States for a violation of the Constitution and laws of his country? And shall this resolution remain on our journals or shall it be expunged Can this be done? Has this Senate a right to do it? There is no rule of more gener al application than this. The power that creates can destroy—the power which can make, can unmake—the power which puts up, can put down—and why should not this rule apply as well to records as to all other cases? unless, sir, it be a record of vested rights, about which we have recently been so highly entertained; and I cannot per-

ceive that there are any vested rights in this resolution. I think the accused will claim none in this case. I apprehend, sir, that every legislative, executive, and judicial body, have a right to alter, strtke out, insert, erase, correct, and amend their records. It is an inherent co-ordinate power, without which such bodies could not exist, and transact their business-Is there a time limited, within which such alterations and amendments should be made? If so, what is the time? A day? a month? a year? In the history of records, no such limit is fixed. I trust, then, sir, such alteration may be made at the sir, such alteration may be made at the time deemed most proper by the body to which they belong. If then, sir, such bodies have their records under their own control, why may they not erase, blot or expunge, at pleasure? Is there any particular form or manner in which this shall ing high in character, acquirements and ability be done? None. Then, sir, if there is no particular time limited for doing this, nor any manner prescribed in which it must be done, the time when, and the man- to honor him. ner of doing it, are at the pleasure of the We are informed by the Detroit Free Press. body to whom these records belong. If that the first instalment of the surplus, coming

then, sir, we have the power to expunge this resolution, is it expedient so to do?

January 15.—Mr. President, In the remarks which I had the honor to submit yes. of the public lands in this state since last July. terday, on this subject, I endeavored to will also be paid over in a few days. The sum show that the resolution now proposed to be expunged, was unconstitutional and ina right to amend, alter, correct, or expunge | much as the 'first fruits of admission' it at such time and such manner, as they should think proper. If, Mr. President, I have succeeded in this; one question alone remains to be discussed, viz: is it expedient to expunge the resolution? In reply to has been by the former recently crossed out. the honorable gentleman from Kentucky, (Mr. Crittenden,) I would say, I would not expunge it merely because the Senate have the power so to do, nor from party motives, nor for the triumphs of party, but from a solemn sense of duty I owe to the country, to the President, and to the honorable Senate of the United States. I would expunge it, sir, because the resolution bears on its face a contradiction, a judicial sentence found on a legislative journal; and no evidence that it came from any judicial tribunal. It is a sui generis case—it is a bur-lesque on judicial trials, it has no parallel: the like is not to be found in the annals of

our country.

Again, sir, I would expunge this resolution, lest it should be considered as a precedent. If, sir, it is permitted to remain, at some future period of great excitement, when passion and prejudice shall triumph over reason, and the Constitution shall be made to subserve the purpose of disappoin-ted ambition; when a President less powerful than General Jackson, shall be in the way of Presidential aspirants, we may see the same scene of March 1834, acted over again; and the power of the Chief Magistrate broken, and that branch of the Government prostrated at the feet of this.

Another reason, sir, why I would expunge this resolution is, because it violates a vital principle in our constitution, and destroys one of the dearest and most important rights we possess, viz: a full, fair, and impartial trial; and because, sir, the Chief Magis. trate of this nation-one that has done more for it than any man living-yes, the very man "who has filled the me his country's glory,"—has unjustly and un-constitutionally been deprived of this prive-lege, one to which the meanest citizen is en-titled, and has been condemned without a hearing .- And again, sir, I would blot out this resolution from our records, because the American people have pronounced judge ment against it; and not only they, but the people of both continents have done it. Nor is this all, sir. The resolution is derogatory to the character and dignity of our Government, and violates the great principles of our national compact. A duty we owe ourselves, as a co-ordinate branch of he administer the oath to every Senator our Government, requires that we should present? Was the accused furnished with not suffer this resolution to remain on our a full and clear description of the charges brought against him? Was he notified of the time and place of trial? And was he permitted to face his accuser? If not, act which, had it been successful, must have permitted to face his accusers? If not, then, sir, permit me to ask, has he been tried by the rules presented by this honorable body? No, sir; he has been tried and condemned for a violation of the constitution and laws of his country, which he had sworn to support, contrary to our own we respect our own characters, and the high we respect our own characters, and the high reputation of this Senate—let us at once blot out this stain. a new pair of eyes then, for government had

ON THE EXPUNGING RESOLUTION. ed according to the provisions of the Cons. ed of our duties, and the sacredness of our titution and laws of our country? In what oaths, and cautioned not to violate them in cases, let me ask, can this honorable Senate act in their judicial capacity? Let the Constitution answer. The Senate shall have the sole power to try all impeachments, and that instrument conveys to this body no authors. It must be a constitution answer. The Senate shall have the sole power to try all impeachments, and cautioned not to violate them at the expunging this resolution. I trust, sir, that we are not unmindful of the obligations restricted in the control of the control o the sole power to try all impeachments, and that instrument conveys to this body no authority to try except in cases of impeachment. Here is the extent of our power, and here is our authority limited. Yes, sir, we can try impeachments, and impeachments only: but, sir, can the Senate originate impeachments? No, sir, they cannot. The Constitution has declared, in so many words, that "the House of Representatives shall have the sole power of impeachment."

Have they exercised that power? Have they accused the President of "assuming on himself authority and power not conferred by the Constitution and law, but in derrogation of both?" Have they impeached him for so doing? Where is the evidence of it? Have they notified the Senate of such impeachment? No, sir, they have not done it. The impeaching power has never acted in this case. They have not accused the President of any offence whatever. Where then, sir, I ask, is our jurisdiction? We have no power to try, until the House of kepts. diction? We have no power to try, until sonal acquaintance with him; have seen the House, the accusing power, have impeached; none at all; not the shadow of utes. I have never received any appointthe shadow of utes. I have never received any appointany jurisdiction. Can it be, sir, that with-out even the forms prescribed by this hon-out even the forms prescribed by this hongreatest of men, and purest of patriots; and rely upon it that the page of history which shall record his deeds, will be read with enthusiasm through all coming time.

CONSTANTINE REPUBLICAN.

WEDNESDAY, PERRUARY 15, 1817.

The number of the United States is now recisely nouses that of the original Union, du-

ring the struggle for independence. It will be seen in our congressional proceedings, that our senators, Messrs. Lyon and Non-VELL, and our representative, Mr. Chang, took their seats on the 26th ult. It will be seen also, who in the house are the friends of Michigan, by the yeas and nays on the final passage of the ad-

nission bill, on the 25th. On drawing for their seats on the 27th ult. as appears by the papers, Mr. Lyon was classed among the senators whose term of service expires on the 3d of March, 1839, and Mr. Norvell with those whose term expires on the 3d of March, 1841-the end of Mr. Van Buren's vinst term to

We do not consider our state at all disgraced, by finding the name of the ex-president at the head of the list of her friends in the House. He is a man of too much independence to suffer any mere party feeling to sway his judgment. There

Mr. Benron has at length conquered Mr. CLAY. In other words, the enmity of the latter recorded against the president, three years ago,

All of our readers, perhaps, do not fully understand the matter; we will therefore make a brief explanation. A resolution of censure was passed by the senate, at the session of 1833-4, against the president, soon after he had ordered the removal of the deposites from the U. S. Bank. It' was introduced by Mr. Clay, in the words fol-

lowing,-and passed by the vote annexed : "Resolved, That the president, in the late ex. ocutive proceedings in relation to the public re-venue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both."

Yeas—Bibb, Black, Calhoun, Clay, Clayton, (Ewing.) (Frelinghoysan.) Kent, Knight, (Leigh.) (Mangum.) Naudain, (Poindexter.) (Porter.) Frentiss, Preston, Robbins, Silsbee, Smith, (Southard.) (Spragus.) Swift, Tomlinson, (Tyler.) (Waggaman.) Webster. 26

the people—themselves victims to erasure.] Nays-Benton, Brown, Forsyth, Grundy, Hendrick, Hill, Kane, King of Ala., King of Ga., Linn, McKean, Moore, Morris, Robinson, Shep-ley, Tallmadge, Tipton, White, Wilkins, Wright, An unsuccessful effort was made by Mr. Ben.

[The ten inclosed gentlemen, to be read in a

reaker tone of voice, have been 'expunged' by

ton, at each of the two following sessions, to have this resolution expunged from the public records. His third effort succeeded, at the presont session, as follows :-Yeas-Benton, Brown, Buchanar, Dana, Ew

Yeas—Benton, Brown, Buchanar, Dana, Ewing of Ill., Fulton, Grundy, Hubbard, King of Ala., Lawis, Linn, Morris, Nicholas, Niles, Page, Rives, Robinson, Ruggles, Sevier, Strange, Tallmadge, Tipton, Walker, Wall, Wright—24.

Nays—Bayard, Black, Calhoun, Clay, Crittonden, Davis, Ewing of Ohio, Hendricks, Kent, Knight, Moore, Prentiss, Preston, Robbins, Soathard, Swift, Tomlinson, Webster, White—13. Though Black kept his hues on both occa.

complexion! Of the three, Brown looks to us the most comely. IF Harry White, tried lately for burning the treasury buildings at Washington, in March,

ions, it appears that White has changed his

1833, and convicted, has been sentenced to ten years hard labor in the penitentiary. Judge Cranch, in passing sentence, held con siderable of a dialogue with the prisoner, of no ordinary interest, as reported by a correspondent

of the New-York Courier and Enquirer. On being asked by the judge if he had any thing to say, why sentence should not pass, the prisoner, in a clear and distinct voice, replied,— "I object to the passing of the sentence, because

nearly destroyed his present ones." ed of being.

Mr. President: Having shown that the President was tried and condemned without form, I will now inquire if he has been tri-