OHIO LEGISLATURE.

IN SENATE.

Thursday, January 21.

Petitions presented.—By Mr Thompson, the claim of James M'Elroy and H. W. Marr, of Columbiana county, for remuneration for services rendered and money expended in the apprehension of Daniel Robinson, a fugitive from justice: referred to the committee on the Judiciary. By Mr Hunt, from sundry citizens of the State, praying the removal of the State Land Office at Piqua to a more central point: referred to the committee heretofore appointed. By Mr Wellhouse, from certain citizens of Wayne county, in support of the claim of William Manning: referred to the committee already appointed. By Mr Taylor, from citizens of Granville, Licking county, for the incorporation of the Callioptun Society; referred to Messrs Taylor, Ravenscroft, and Thompson. By Mr M'Mechan, from citizens of Jefferson county, praying an appropriation to aid in the construction of a Rail Road or Macadamised Turnpike from Steubenville to a point on the Ohio Canal: referred to the committee of the whole, together with the bill for that purpose. By Mr Price, from a number of citizens of Cincinnati, in favor of a Rail Road through the western part of that city: referred to Mr Price. By the Speaker, from sundry citizens of Butler county praying alterations in the laws relative to State roads, Marriage Licenses, and county Treasurers: referred to the committee on the Judiciary. By Mr Scott, from members of the Reformed Associate Church of Antrim, Guernsey county, for leave to purchase certain school lands: referred to the committee on Schools and School Lands.

Mr Kendall presented a new enumeration of the white mail inhabitants of Scioto county over the age of twenty one years, and moved its reference to the select committee to whom the sensus returns have been referred.

Mr Taylor opposed the reception of the return, and made a motion to reject it.

Mr Spangler thought this would be treating the senator who presented it, & the citizens of Scioto county, with a want of courtesy: the Senate might not fear to trust it in the hands of the committee; should they report favorably on it, then would be the time to oppose it.

After some further remarks in opposition by Mr Taylor and Mr Patterson, a motion to lay it on the table prevailed—yeas 30, nays 4.

Mr Blake, from the committee on New Counties, made an unfavorable report on the petitions for attaching certain townships of Coshocton county to the county of Holmes—which, before the question of agreeing to the same was taken, was, on motion of Mr McLaughlin, laid on the table.

Bills reported and read the first time.—

By Mr Medary, from the committee on canals, a bill requiring the county Commissioners to keep in repair the bridges across the canals, built by the State.

By Mr James, from the committee on Rail Roads, a bill to incorporate the Little Miami rail road company.

By Mr Taylor, from the select committee on the subject, a bill to incorporate the Presbyterian church of Johnstown, Licking county.

By Mr Thompson, from the select committee on the subject, a bill to incorporate the Methodist Protestant church of Welleville.

By Mr King, from the select joint committee on the subject, a bill to provide for the erection of the Lunatic Asylum.

By Mr Allen, from a select committee a bill to incorporate the village denominated the 'City of Ohio.'

Mr Kendall, from the select committee on the subject, reported a resolution instructing the canal commissioners to adopt measures for the construction, as soon as practicable, and a side-cut canal, on the east side of the Scioto, from a point on the Ohio canal opposite Piketon to the town of Portsmouth; which was laid on the table.

Bills read the third time and passed.

A bill making a special appropriation of a part of the Three per cent. fund in the counties of Shelby and Logan.

A bill to lay out a State road in the counties of Henry, Putnam, Hardin, and Logan.

A bill to incorporate the Lutheran and German Reformed Church and Society of New Rumley, Harrison county.

A bill to authorize the town council of Newark to borrow money

A bill to incorporate the First Congregational Society of Lagrange, in the county of Lorain.

A bill to incorporate the Coolville toll bridge company; and

A bill to incorporate the Presbyterian church of Bellville, in Manroe county.

Mr Hunt, on leave, introduced a bill to lay out a State road in the counties of Putnam and Williams; also, a bill to lay out a State road in the counties of Wood, Henry, Putnam, and Van Werts which were read the first time.

Mr Allen, on leave introduced a bill to incorporate the Bedford Library Company; also, a bill to incorporate the Bedford Lyceum: which were read the first time.

BANKS.

On motion of Mr Spangler, the Senate took up the report of the joint committee on Banks, the question being on agreeing to the resolution recommended by the committee for adoption.

Mr Crouse hoped it would not be concurred in in its present shape, and moved to amend by striking out the words, 'and that petitioners have leave to withdraw their papers,' &c.

Mr Patterson suggested that it would be better to let the resolution stand as it is, and for the gentleman from Ross to move an exception in favor of the 'Bank of Scioto.' The sense of the Senate could thus be tested on each application in turn.

Mr Taylor concurred in this mode, and said he would pursue this course with the Centre Bank.

After a discussion, in which Messrs. Spangler, James, Medary, Crouse, Taylor, Patterson, and M'Laughlin, took part, Mr. Crouse withdrew his amendment.

Mr Taylor then moved to amend the resolution by adding, after the word 'papers,' the words, 'except so far as relates to the centre bank.'

Before this question was decided, the bill with the amendment, was laid on the table

HOUSE OF REPRESENTATIVES.

On motion of Mr Saylor, the House took up for consideration the bill to incorporate the Preachers' Aid Society of the Methodist Protestant church. [This bill contained provisions giving the Pittsburg Annual Conference certain powers in directing the concerns of the corporation, which is exclusively for benevolent purposes—the relief of Superannuated Ministers and their widows and orphans.]

Mr Patterson moved that the bill be recommitted to a committee of one, with instructions so to amend it, as to confine its operations entirely within the limits of this State. He thought this Legislature could not have any power to make enactments concerning the *Pittsburgh* Conference.

On this motion a lengthy and animated debate sprung up, and it was opposed by Mr Bostwick, Allen, Hosbrook, Baldwin, Smith, Moore of Muskingum, Creed Medill, and Saylor, on the ground, that what is called the "*Pittsburgh* Conference," embraces more territory in Ohio than in any other State, and that it in fact oftner meets in Ohio than elsewhere; and that besides this, the persons proposed to be incorporated in this bill are all citizens of Ohio.

The motion to recommit was supported by Messrs Patterson, Humphreys, and Blackburn of Columbiana, upon the grounds above suggested. An amendment was finally made, on motion of Mr Medill, requiring the Trustees of the corporation to be curzens of Ohio. And the motion to recommit having been withdrawn by the mover, the bill was ordered to be engrossed for a third reading on to morrow—yeas 44, nays 19.

IN SENATE,

Friday, January 22.

MILITIA BILL.

On motion of Mr Patterson, the Senate then took up the bill for organizing and disciplining the Militia, the question pending being the amendment offered by Mr Medary, providing that officers hereafter to be elected should hold their offices for five years, to be eligible for re-election, &c.

Mr Lidey spoke in opposition to the amendment, holding that it would destroy the principles of the bill, and endanger its passage.

Mr Medary said if it did not appear to be the opinion of the Senate that such a principle was necessary to be engrafted in the bill, for himself, he would not be tenacious of it; and if it was the wish of the advocates of the bill, he had no objection to withdraw his amendment. The amendment was then withdrawn.

Mr Howard moved to amend the 51st section, which exempts certain persons from military duty, by adding the words, 'and all members of religious societies, and others, conscientiously believing that war is inconsistent with the fundamental principles of the Gospel.'

Mr Howard said, on proposing the amendment, that he did not intend to argue the question; but knowing, as he well did, that there is a respectable religious society; and perhaps societies, who do thus conscientiously believe; and as our Constitution provided, "*that no human authority can, in any case whatever, control or interfere with the rights of conscience,*" he conceived it to be nothing but an act of justice to that portion of the inhabitants of the State to adopt the amendment.

Mr. Lidey opposed the amendment: he would have all on an equality—he saw no fair reason, if the necessity existed, why one portion of the citizens of the State should take up arms in defence of the lives and property of others while they remain exempted; if the amendment were to prevail, he would move that those exempted should each pay two dollars a day in lieu of their attendance on drill, and as an equivalent for the services of others who had to assume all the burden.

The question was then taken on Mr. Howard's amendment, which was negatived by the following vote:

YEAS—Messrs. Cox, Howard, Houston, James, Price and Wadsworth—6.

NAYS.—Messrs. Allen, Crouse, Donally, Florence, Hopkins, Hunt, King, Kirby, Lidey, McLaughlin, McMechan, Morse, Newell, Patterson, Ravenscroft, Scott, Shepler, Spangler, Steele, Taylor, Thompson, Vincent, Wellhouse, and Speaker—24.

Mr. Crouse moved to have the 25th section of the bill, which provides for the purchase of tents, &c. for the several Brigades, amended; if it were amended, he would vote for the bill; if it were not, he could not support the bill.

The Speaker decided the motion out of order, inasmuch as the section had already been agreed to by the yeas and nays.

The question was then taken on ordering the bill to be engrossed and decided in the affirmative, 23 to 10, as follows:

YEAS—Messrs. Blake, Cox, Donally Florence, Hopkins, Hunt, James Kendall, Lidey, Medary, McLaughlin, McMechan, Morse, Newell, Patterson, Ravenscroft, Scott, Spangler, Steele, Taylor, Thompson, Vincent and Wadsworth—23.

NAYS.—Messrs. Allen, Crouse, Houston, Howard, King, Kirby, Price, Shepler, Welhouse, and Speaker—10.

The bill was then ordered to be engrossed for its third reading and final passage on Friday next.

PROTEST OF THE MINORITY.

Presented in the House of Representatives on the 23d inst.,

AGAINST THE EXPUNGING RESOLUTIONS.

The undersigned Members of the House of Representatives, dissent from, and PROTEST against the following Preamble and resolutions, which passed the House on the 23d December, 1835.

Whereas, the Senate of the United States did, on the 28th day of March, 1834, by Resolution declare, "that the President, in the late executive proceedings in relation to the revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both." And whereas, the same was spread upon the journals of the Senate, of the United States, a manifest usurpation of the impeaching power of the House of Representatives, as well as a dangerous invasion of the rights of the Executive, both as such, and as a citizen of the Republic.

And, whereas, the President, on the passage of the resolution aforesaid caused to be laid before the Senate his protest against it, requesting the insertion thereof upon the journals of that body; and whereas the Senate did refuse compliance with such just and reasonable request. And, whereas, if the said act of the Senate be permitted to pass uncensured, a precedent would thereby be established, founded in usurpation and injustice, and subversive of the first principle of a Free Government—the right of the vilest criminal to meet his accusers face to face, and be heard in his own defence.

And, whereas, the people of the State of Ohio require and demand of their Representatives in the Legislature assembled, a solemn and decided expression of disapprobation of the said act of the Senate,—Therefore,

1. *Resolved, by the General Assembly of the State of Ohio,* That the said resolution of the Senate and the action had thereon by that body, were without precedent gross assumption of power not conferred by the Constitution and laws, but in violation of the spirits of both.

2. *Resolved,* That the Senators representing in Congress of this State, be and they hereby are instructed and required to vote for the expunging of the resolutions aforesaid, from the journals of the Senate

3. *Resolved,* That we believe the right of instruction one of the fundamental principles of a representative government, and essentially necessary to the purity and stability of our republican institutions; and that in case the agents of the people are unable to obey the instruction of their respective constituents, it is their solemn duty to resign the power entrusted to them into the hands of those who gave it.

4. *Resolved,* That the Governor of this State be requested to transmit to each of the Senators aforesaid, a copy of these resolutions; also a copy to the President and Vice President of the U. States.

5. *Resolved,* That in consideration of the distinguished relation in which the Hon. Thomas H. Benton, one of the Senators in Congress from the State of Missouri, stands to the subject of the foregoing resolutions, the Governor of this State be also requested to transmit a copy of these resolutions to that Senator.

The grounds of dissent and protest, the undersigned present, as follows:

The Preamble is exceptionable, because it states that the resolution which is sought to be expunged from the Journals of the Senate of the United States, contains "a declaration unauthorized by facts, and that the adoption of said resolution was a manifest usurpation of the impeaching power of the House of Representatives, as well as a dangerous invasion of the rights of the Executive, both as such and as a citizen of the Republic."—The undersigned believe the offensive resolution strictly in accordance with facts—that the Senate usurped no power which belongs to the other branch of Congress, and that its adoption did not avade the rights of the Executive, dangerously or otherwise. They further believe, that the President of the United States, in laying before the Senate a protest against the passage of the offensive resolution, and requesting that it should be entered on their Journals, improperly interfered with the rights and business of that body; and especially so as his protest was presented as an official document. They cannot believe that in the refusal of the Senate to enter the Executive protest on their Journals, they did any thing "founded in usurpation and injustice," or "subversive of the first principle of a free government;" but on the contrary, adopted a just measure to maintain the rights and dignity of a republican legislature.

The averment in the Preamble that the People of Ohio "require and demand of their Representatives in the Legislature assembled, a solemn and decided expression of disapprobation of the said act of the Senate," the undersigned are of opinion cannot be sustained by even circumstantial evidence. For a redress of grievances, the enactment of laws, or indeed for any legislative action required by the People, the ordinary manner of addressing the General Assembly is by petition or memorial. Occasionally, the Representatives is instructed by his constituents in their primary assemblies. Again, when, throughout the State, a question of vital importance to the community is in agitation during a canvass, the election for members of the Legislature may turn upon that question, and the majority may consider themselves as instructed in advance. If the People of Ohio have moved the first step in any manner to "demand and require" of the Legislature and expression of the character embodied in the Resolutions, the undersigned have yet to be informed of it by some evidence more satisfactory than naked assertion. Not a single memorial has been presented to the House, nor have the resolutions of a single popular meeting been exhibited, to sustain the declaration: and the undersigned will say, that, in their belief, "*facts,*" will not warrant the assumption that the elections for members of the Legislature in October last were governed in any degree of, or action upon, the foregoing Resolution or any of a like kind.

The second Resolution is the only one in the series which the undersigned deem *important* to protest against. It is still more objectionable than the Preamble—because, in the plainest language, it asserts the right of this Legislature to *instruct* and *require* the *Senators in Congress from Ohio* to do an act which, it is confidently believed, would be unconstitutional. *Instruction* of our Senators by the Legislature, if intended as *advice* is conceived to come perfectly within the pale of the powers delegated by the Constitution of the State; but the principle assumed of a right in the State Legislature to control by authoritative mandate the action of our Senators, acting as they do under distinct grant of power delegated by the People, and the assertion of a correspondent duty on their part, either to obey the mandate or resign their seats is as novel in the legislative action of this State, as it is contradictory to the principles of the Federal Constitution and express provision of the Constitution of Ohio.

The 28th section of the 8th article of the Constitution, is in these words:

"To guard against the transgression of the HIGH POWERS which we have delegated, we declare that all powers not hereby delegated remain with the People."

The undersigned believe that the right of instruction has been reserved by the *People*, and that every attempt to deprive them of that right is a violation of the Constitution.

If the right to *instruct* and *require* Senators in Congress to do an act which, in its immediate or remote tendency, *may* assist to overturn the institutions of the country, be not a HIGH POWER, then we have erred grossly. If it be a HIGH POWER, the People, in their organic law, have reserved it to themselves. The Resolution is objectionable, because it assumes that the Legislature are the creators of Senators, and *thence* is the right of instruction derived. If the assumption be true, it may occur that the Governor is the instructor—in his default, the Speaker of the Senate; and in the absence of both, the Speaker of this house my legitimately exercise the power. Did the People intend that the HIGH POWER claimed, should thus go from hand to hand upon the happening of contingencies.

The undersigned finally Protest against the Resolution, because of the command to our Senators to give a vote which would assist in procuring the Senate to do that which, under the Constitution, they have no right to do—the *expunging* from the Journals a *true record* of their proceedings. If the Senate have the power to destroy a part of their Journals, they have the power to destroy them all from the beginning of the Government, leaving no more authentic record of their ever having been in session under the Constitution, than the Journals of the House, or the history of the times until the moment it is resolved to "EXPUNGE." The Constitution of the United States requires both Houses of Congress to "KEEP" a journal of their proceedings, and it will not permit the destruction of them in whole or in part.

Wm. V. H. Cushing,
Jeremiah Morrow,
David Reece,
William M'Donald,
Randal Stivers,
Calvary Morris,
Samuel R. Holcomb,
David Mitchell,
Thomas J. Taylor,
Solomon Bently.
S. Lutz.
N. Allen.
O. H. Knapp,
John M. Creed,
Jas. H. Godman,
John Hunt.
Aaron Robinson,
W. H. Moore.
Elias Matthews.
Wm. Miller.
E. Moore.
C. Champlin.
Stacy Taylor.

THE WAR IN FLORIDA.

From the Globe.

We understand that Major General Scott was ordered last week to Florida, to take the General direction of the operations in that quarter, and with full authority to call upon the Executives of South Carolina, Georgia, Alabama, and Florida, for whatever militia force may be necessary. He has been directed to push the campaign in the most vigorous manner, and to reduce the Indians to unconditional submission.

We further learn that the disposable regular force which can properly be moved is either in Florida or on the way. The garrisons on the seacoast have either been sent there, or have been reduced to the smallest practicable number. Circumstances have rendered necessary the removal of the 6th regiment from Jefferson Barracks to the Mexican frontier, and General Gaines has been ordered to proceed there to take the command in that quarter. Our army is scattered over an immense frontier, and the posts it occupies along the Indian line cannot be withdrawn, with almost certainly leading to Indian disturbances.

We understand that such is the naked state of the seabord, that there is not a soldier at Boston, nor one between Philadelphia and the ocean. Only four companies at New York harbor, and four at Old Point Comfort, those two great naval positions. Both the garrisons in North Carolina, those of Charleston and Savannah, and that at Key West, and those in Pensacola and Mobile, and those in the neighborhood of New Orleans are all either now in Florida, or on the way there. In a word, the whole Atlantic frontier is drained, and that from necessity. If the Western frontier were also stript of its garrisons, a general Indian war, would, in all probability, follow.

Major BELTON'S *official report of the disastrous defeat of the detachment of the United States troops, under the gallant Major* DADE, *of the 5th Regiment of Infantry, which occurred on the 28th of December.*

The detachment consisted of Major DADE'S company of Infantry, Capt. FRAZIER'S company of the 3d Regiment of Artillery, and Capt. GARDINER'S company of the 2d Artillery, being sixty miles on the line of March from Tampa Bay toward Fort King, to form a junction with General Clinch on the Wythlacoochee. This action occurred, it seems, three days before the battle where General Clinch commanded, of which we have already given an account.

Fort Brooke, (Florida,) Jan. 1 1836.

SIR: I had the honor to advise you on the 16th December, via Pensacola of the course of events here, to that date. The schr. Motto arrived on the 21st December from Key West, with Brevet Major Dade and his company, (A) infantry, 39 strong, with a small supply of musket ball cartridges, after looking in at several points between the Key and this place. Being thus reinforced, I hesitated no longer to put Gardiner's company (C) 2d artillery, and Frazier's company (B) 3d infantry in motion for Fort King, pursuant to General Clinch's orders; which movement had been ordered on the 16th, and suspended the same day, on account of intelligence I had received of the force of the Mickasukies, and their strong position near the forks of the Wythlacoochee. I despatched the public schooner Motto on the 23d, with Lieutenant Duncan, 2d artillery, to Key West, for a battery of two twelve-pounders, and such other stores as could be serviceable; and at 6 o'clock on the 24th, the companies, Gardiner's and Frazier's, made fifty bayonets each, by details from those companies remaining here, and with one of the two six pounders of this post, with four oxen I had ordered to be purchased, one light wagon, and ten days' provisions, were put in march.

The first halt of this command was at Little Hillsboro' river seven miles from this post; the bridge of which I had reconnoitred by Indians of Emathla's band the day before. From this I heard from Major Dade, pressing me to forward the six pounder by all means, it having been left; from the failure of the team, four miles out. I accordingly ordered the purchase of three horses and harness, and it joined the column at nine that night. On the night of the 24th, I heard that the transport, with Major Mountford and company, long and anxiously expected was in the bay. I sent at one o'clock a letter to him, (received at day light) by an Indian express, urging him on. He landed with his strong company on the 25 & informed me that Legate's company, under Lieut. Gryson nearly full must be near at hand.

Of this Major Dade was informed by a most gallant volunteer, Jewell, C. company, 2d artillery, who had left the detachment with the news of the burning of Big Hillsboro' Bridge, near which Major D. had halted the second day, 25th. I also informed him that I was using every exertion to push on about thirteen hundred rations on packhorses, with what amunition could be spared. A duplicate of this was sent the next day by a young Indian who became lame, and could not overtake the column, and returned with his letters, Pr. Jewell joined Major Dade about 11 o'clock on the night of the 25th.

In the chain of events, it is proper that I should mention that three Tallassee Indians came in on the evening of the 2[illegible], and caused great excitement in Holase Emathla's camp. They brought a talk of *Incanopas* of a pacific or neutral character or they affected it; but I believe not distinctly, until, after I had made them prisoners, while in full council with Emathla's warriors; which step I considered imperative, if they were spies, and as much so if they were charged, with any proposisions likely to detach the Chiefs from the treaty, or indeed, by an act of self-devotion, to take the scalps of Emathla, Black Dirt, and Big Warrior, faithful chiefs, who have been hunted in this way since the scalping of Charles Emathla. In a council with Emathla that night, Major Dade expressed every confidence in Indian character, and particularly upon the salutary influence of *Abraham* upon *Micanopa.* On reflection, I detained two of the imprisoned Tallasses as hostages, and sent the youngest and best runner with letters to General Clinch and General Thompson, via *Inicanopa*, as I could do no better, and of course through *Abraham's Lands.*

These letters, of course involved many details; but numbers and other facts, to guard against treachey, were stated in French. The runner returned two days beyond his time, with a message from *Abraham* and Broken Sticks, stating my talk was good, and that I might expect him on the 30th. This we freely rendered that he wou'd be *at the attack* fixed for Christmas week. A negro his intimate, named *Harry,* controls the Pea Creek band of about a hundred warriors forty miles south east of us, who have done most of the mischief, and keep this post constantly observed, and communicate with the Mickasukinns at Wythlacoochee, by means of powerful bands of Eafollahs and Alafiers, under Little Cloud and the Alligator. In tracing Major Dade's movements, I have every reason to believe that he made on the 26th, six miles; 27th, to Big Wythlacoochee; on the fifth day, (28th,) to the battle ground, sixty-five miles.

Here it may be proper to state that Major Mountford's command was ready to move on the 26th, but the transport, in which was a company of the 2d artillery under Lieutenant Grayston, unfortunately entered the wrong bay, and got into shoal water, and was not seen, or certainly heard of, till the morning of the 28th December, when, by sending a party with a flag as a signal, Lieutenant G. was put in possession of instructions, and landed his company at a point four miles west of us; on the east side of Tampa bay, (proper,) and joined at sunset that evening; his transport did not get round to land his baggage till the 30th; so long an interval, as to put all hope of a junction out of the question, and Major Mountford's baggage was unladed.

Now it becomes my melancholy duty to proceed to the catastrophe of this fated band, an elite of energy, patriotism, military skill, and constant courage. On the 29th, in the afternoon, a man of my company, John Thomas, and temporarily transferred to C company, second artillery came in, & yesterday Pr. Ranson Clark of same company, with four wounds, very severe, and stated that an action took place on the 28th, commencing about 10 o'clock, in which every officer fell, and nearly every man. The command entrenched every night, and about four miles from the halt were attacked, and re