

I well remember, on one occasion, at a short session, we sat all night, and before I got to my lodging place it was broad daylight.

There always have been some members who had conscientious scruples about sitting after 12 o'clock. I always have, and shall respect men who act on such scruples, although I may differ with them in opinion.

For myself, I have never felt any hesitation about voting after 12 o'clock, when the business required it.

By the Constitution, members of the House are elected for two years; the President and Vice President for four, and the Senators for six.

The only difficulty is to ascertain when the term commences. The Constitution does not fix it, but authorized the old Congress to do so.

That Congress fixed the first Wednesday in March, 1789. That happened to be the 4th day of the month. Now, if we believe the first Congress met in the night at 12 o'clock the 3d of March, 1789, then our constitutional term will expire in the night at 12 o'clock of the 3d of March every second year, and the terms of the President and Vice President at the same hour every fourth year.

I submit to gentlemen who have these scruples whether it is not worth while to reflect maturely on this subject. If the term of Congress expires the night of the 3d of March, so must that of the President & Vice President. This will always leave an interval of several hours, when we will have no President or Vice President. It appears to me that those who framed the Constitution did not so intend.

Suppose, shortly before the expiration of a Presidential term, a man to be sentenced to be hanged in a federal court; afterwards it should be ascertained to a certainty that the person was innocent, and a messenger is sent for a pardon, but cannot reach the President till after 12 o'clock on the night of the 3d of March; is the man to be hanged because there is no President until a successor is sworn in? This ought not to be the construction.

I apprehend the whole difficulty originates from our perplexing our minds with a legal fiction that there can be no fraction of a day. This, like every other fiction, must yield to fact when justice requires it.

A man sells a tract of land for a full consideration in the morning of the 4th of March and conveys it. In the afternoon he sells and conveys the same land to another person; both vendees cannot hold; and yet, according to the idea produced by this fiction, both deeds were executed the first minute of the day, and are of equal date; but every man knows that this fiction would yield to fact, and that the first vendee would hold the land.

Whether these reflections be altogether accurate or not, they have always satisfied me that I did not act unconsciously, or assume powers I did not possess, when I voted in the night of the 3d of March, after 12 o'clock.

The honorable member from New Hampshire will perceive that the resolution he has read which was adopted in the year 1790, does not remove the difficulty. That resolution only says the term expires on the 3d of March; but still the question recurs, when does the 3d of March end according to the meaning of the Constitution?

facts and reasoning which we find in the Executive communications on file will lead us.

The appropriations for fortifications have, for the last seven years, averaged about \$800,000, more or less. That of 1834 was about \$950,000; and that of 1835, it is well known, entirely failed.

The first difficulty which I propose to suggest, in my inquiry, as to these very large appropriations, is the want of competent engineers to project and prepare the plans for our works, and superintend them.

Ninety-one different appropriations, amounting to more than two millions of dollars have been referred to this Department for application within one fiscal year; and to accomplish this, and to meet all the responsibility which it involves, the Department is provided with only twenty-seven officers, whose services can with certainty be commanded, and of these about one-third have had no experience.

So much with regard to engineers. We have but one-third part without experience, and, as a matter of course, cannot be entrusted with a work which requires—and that no one can doubt is the case with all our fortresses—science and experience.

By the fact of June, 1831, there was appropriated to certain fortifications near New York, one hundred and fifty thousand dollars; that is to say: to Fort Columbus and Castle William, on Governors Island, \$50,000; and to Fort Schuyler, on Throg's Neck, \$100,000.

any of these objects in 1835, so that nothing remained to be done that year but to apply the unexpended balance of 1834 to these and other like works, all in a state of forwardness. And was this done? Could it be done? Let the Chief Engineer answer.

But let us, in passing, take a single glance at the Navy appropriations, and see whether they have been as large as could be advantageously applied to their particular specified objects.

Mr. WISE.

This gentleman has certainly distinguished himself more this session of Congress, by the boldness of his course, and the path of his remarks, than any other member, and he has had the good fortune of being admirably reported by the lively and able correspondent of the Baltimore Patriot.

A chill has come over the zeal of Mr. Adams, and the supporters of his Resolution of Inquiry, and they have given it up as a bad business.

The War with Black Hawk is found to have cost the country \$1,500,000, though the force employed, did not amount to 2000 men.

ad surplus revenue by a pretty considerable subtraction.

The chartering of the United States Bank by Pennsylvania has proved a mortifying blow to the Powers at Washington.

Melancholy Shipwreck.—The packet brig Ariel, Capt. Banks, of Norfolk, on her way, in light ballast, from New Orleans to Norfolk, was capsized on the night of the 24th January, in a gale of wind, and every soul on board, twenty-three in number, perished, with the exception of three seamen, who were afterwards taken from the wreck.

Correction.—The Daily National Intelligencer, of Jan. 23rd, contains the following: A Steindler among the Shakers.—The following from the Zanesville (Ohio) Gazette, presents the industrious and frugal, though fanatical Shakers in a new and disagreeable light.

The Florida Indians.—The Tallahassee Floridian contains a letter dated Tallahassee, Feb. 1, from Mr. Wyatt, a friend in E. Florida, expressing some important opinions relative to the probable course of the beligerent Indians.

AN ABORTION.

festive warriors, including negroes, who occupy being about 200 miles in breadth, the centre (two thirds) of which is almost endless grass, covered with tall and deep narrow streams, meandering in various directions into the sea, and arched over with evergreens and high grass; the other parts fertile land, abounding in corn, and an excellent substitute for bread, and a variety of fruits—the adjacent forest and wild fowl. Mr. W. further expresses his opinion that the Indians, who have been terror-stricken and some intertribal warfare, entertain a vain notion of their superiority to the W. Indies, with their black Horses on land, and armed by water, so as to break up all communication between them and the Spanish colonies, or runaway negroes, or they may petty war with us for the next 5 years.

THE WHIG TICKET For President HUGH LAWSON W For Vice President JOHN TYLER For Governor EDWARD B. DUBOIS

AGAINST OFFICIAL DICTATION AGAINST CAUCUS NOMINATION! PERSECUTION FOR OPINIONS! AGAINST EXTRAVAGANCE AND CONSUMPTION! AGAINST MANWORSHIP! AGAINST HUMBUGGERY!!

Messrs Graham & Nicoland.—It stated in the last National Intelligencer, that the Committee to whom was referred the petition from the State of New York, had reported unfavorably to Mr. Graham, who had reported that Gen. Newland has been chosen at Washington to the Van Buren administration.

THE EXPLANATION

SURPLUS REVENUE

On this subject, we refer the reader to to-day's paper, from the pen of Ewing of Ohio—it is so full of facts and references, that we cannot but be surprised that it has not been more generally read. Why this clamor and dispute to have millions more appropriated to the navy, when the millions appropriated years back, could not be expended? Engineers and skillful workmen are plain enough. The money is not wanted, but the glory of it is without necessity, that is, it is not wanted from improving the navy.