

# THE STAR AND NORTH CAROLINA GAZETTE.

RALEIGH, N. C. THURSDAY, FEBRUARY 16, 1837

VOL XXVIII NO 8.

**THOMAS J. LEMAY,**  
EDITOR AND PROPRIETOR.

**TERMS.**  
Subscribers, three dollars per annum—one half in advance. Subscribers in other States cannot be allowed to remain arrears longer than one year, & persons residing without this State, who may desire to become subscribers, will be obliged to pay the whole amount of the year's subscription in advance.  
Advertisements, not exceeding fifteen lines inserted three times for one dollar, and twenty-five cents for each continuation.  
Extras to the Editor must be paid.

### Fayetteville Market—February 8.

Bacon,	11 a 13; Lump,	15;
Office,	12 1/2 a 14; Leaf,	13 a 20;
Cotton, (new)	15 1/2 a 16; Salt,	60 a 90;
Corn,	80 a 85; Tobacco, leaf,	3 1/2 a 4 1/2;
Flaxseed,	1 50; Cotton bagg,	16 a 25;
Flour,	5 1/2 a 6; Bale Rope,	10 a 12;
Iron,	5 1/2 a 6; Wheat,	3 1/2 a 4;
Molasses,	43 a 47; Whiskey,	27 1/2 a 40;
Nails, cut,	7 1/2 a 8; Wool,	25 a 30.
Sugar, brown,	8 a 12	

### Petersburg Market—February 8.

COTTON—Rathier more receiving, and better demand, at 14 a 15 cents.	
TOBACCO—Old leaf	\$2 a \$3
New Leaf	\$3 a \$4 50
New Leaf	\$5 50 a \$6 50
WHEAT—Good	\$2
FLOUR—Scarc.	

### Mrs. Webster's Protest.

The debate having closed, and the question being about to be taken, Mr. WEBSTER rose, and addressed the Senate as follows:

MR. PRESIDENT: Upon the truth & justice of the original resolution of the Senate, and upon the authority of the Senate to pass that resolution, I had an opportunity to express my opinions at a subsequent period, when the President's protest was before us. Those opinions remain altogether unchanged. And now, had the constitution secured the privilege of entering a Protest on the Journal, I should not say one word on this occasion; although, if what is now proposed shall be accomplished, I know not what would have been the value of such a provision, however formally or carefully it might have been inserted in the body of that instrument.

But, as there is no such constitutional privilege, I can only effect my purpose by thus addressing the Senate; and I rise, therefore, to make that PROTEST in this manner, in the face of the Senate, and in the face of the country, which I cannot present in any other form.

I speak in my own behalf, and in behalf of my colleague; we both speak as Senators from the State of Massachusetts, and, as such, we solemnly protest against this whole proceeding.

We deny that Senators from other States have any power or authority to expunge any vote or votes which we have given here, and which we have recorded, agreeably to the express provision of the constitution.

We have a high personal interest, & the State whose representatives we are, has also a high interest in the entire preservation of every part and parcel of the record of our conduct, as members of the Senate.

This record the constitution solemnly declares shall be kept—but the resolution before the Senate declares that this record shall be expunged.

Whether subterfuge and evasion, and, as it appears to us, the degrading mockery of drawing black lines upon the journal, shall or shall not leave our names and our votes legible, when this violation of the record shall have been completed, still the terms "to expunge" and the terms "to keep," when applied to a record, import ideas exactly contradictory; as much so as the terms "to preserve" and the terms "to destroy."

A record which is expunged, is not a record which is kept, any more than a record which is destroyed can be a record which is preserved. The part expunged is no longer part of the record; it has no longer a legal existence. It cannot be certified as a part of the proceedings of the Senate for any purpose of proof or evidence.

The object of the provision in the constitution, as we think, most obviously is, that the proceedings of the Senate shall be preserved, in writing, not for the present only, not until published only, because a copy of the printed journal is not regular legal evidence; but preserved indefinitely; preserved, as other records are preserved, till destroyed by time or accident.

Every one must see that matters of the highest importance depend on the permanent preservation of the journals of the two Houses. What but the journals show that bills have been regularly passed into laws, through the several stages; what but the journal shows who are members, or who is President, or Speaker, or Secretary, or clerk of the body? What but the journal contains the proof necessary for the justification of those who act under our authority, and who, without the power of producing such proof, must stand as trespassers? What but the journals show who is appointed, and who rejected, by us, on the President's nomination; or who is acquitted, or who convicted, in trials on impeachment? In short, is there, at any time, any other regular and legal proof of any act done by the Senate than the journal itself?

The idea, therefore, that the Senate is bound to preserve its journal only until it is published, and then may alter, mutilate or destroy it at pleasure, appears to us one of the most extraordinary sentiments ever advanced.

We are deeply grateful to those friends who have shown, with so much clearness, that all the precedents relied on to justify or excuse this proceeding, are either not to the purpose, or, from the times and circumstances at and under which they happened, are no way entitled to respect in a free government, existing under a written constitution. But, for ourselves, we stand on the plain words of that constitution itself. A thousand precedents elsewhere made, whether ancient or modern, can neither rescind, nor control, nor explain away these words.

The words are, that "each House shall keep a journal of its proceedings." No gloss, no ingenuity, no specious interpretation, and much less can any fair or just reasoning reconcile the process of expunging with the plain meaning of these words, to the satisfaction of the common sense and honest understanding of mankind.

The Senate may now expunge one part of the journal of a former session, it may, with equal authority, expunge another part or the whole. It may expunge the entire record of one session, or of all sessions.

It seems to us inconceivable how any man can regard such a power, and its exercise at pleasure, as consistent with the injunction of the constitution. It can make no difference what is the completeness or incompleteness of the act of expunging, or by what means done; whether by erasure, obliteration or defacement; if by defacement, as here proposed, whether one word or many words are written on the face of the record; whether little ink or much ink is shed on the paper; or whether some part, or the whole, of the original written journal may yet by possibility be traced. If the act done be an act to expunge, to blot out, to obliterate, to erase the record, then the record is expunged, blotted out, obliterated, and erased. And mutilation and alteration violate the record as much as obliteration or erasure. A record, subsequently altered, is not the original record. It no longer gives a just account of the proceedings of the Senate. It is no longer true. It is, in short, no journal of the real and actual proceedings of the Senate, such as the constitution says each House shall keep.

The constitution, therefore, is, in our deliberate judgment, violated by this proceeding in the most plain and open manner.

The constitution, moreover, provides that the yeas and nays, on any question, shall, at the request of one-fifth of the members present, be entered on the journal. This provision, most manifestly gives a personal right to those members who may demand it, to the entry and preservation of their votes on the record of the proceedings of the body, not for one day or one year only, but for all time. There the yeas and nays are to stand forever, as permanent and lasting proof of the manner in which members have voted on great and important questions before them.

But it is insisted that the votes of members, taken by yeas and nays, and thus entered on the journal, as matter of right, may still be expunged; so that that, which it requires more than four-fifths of the Senators to prevent from being put on the journal, may, nevertheless, be struck off, and erased, the next moment, or at any period afterwards, by the will of a mere majority; or, if this be not admitted, then the absurdity is adopted of maintaining, that this provision of the Constitution is fulfilled by merely preserving the yeas and nays on the journal, after having expunged and obliterated the very resolution, or the very question, on which they were given, and to which alone they refer; leaving the yeas and nays thus a mere list of names, connected with no subject, no question, no vote. We put to the impartial judgment of mankind, if this proceeding be not, in this respect also, directly and palpably inconsistent with the Constitution.

We protest, in the most solemn manner, that other Senators have no authority to deprive us of our personal rights, secured to us by the Constitution, either by expunging, or obliterating, or mutilating, or defacing, the record of our votes, duly entered by yeas and nays; or by expunging and obliterating those votes where given and recorded.

We have seen, with deep and sincere pain, the Legislatures of respectable States instructing the Senators of those States to vote for and support this violation of the journal of the Senate, and this pain is infinitely increased by our full belief, and entire conviction, that most, if not all these proceedings of States had their origin in promptings from Washington; that they have been urgently requested and insisted on as being necessary to the accomplishment of the intended purpose; and that it is nothing else but the influence and power of the Executive branch of this Government which

has brought the Legislatures of so many of the free States of this Union to quit the sphere of their ordinary duties for the purpose of co-operating to accomplish a measure, in our judgment, so unconstitutional, so derogatory to the character of the Senate, and marked with so broad an impression of compliance with power.

But this resolution is to pass. We expect it. That cause, which has been powerful enough to influence so many State Legislatures, will show itself powerful enough, especially with such aids, to secure the passage of the resolution here.

We make up our minds to behold the spectacle which is to ensue. We collect ourselves to look on, in silence, while a scene is exhibited which, if he did not regard it as a ruthless violation of a sacred instrument, would appear to us to be little elevated above the character of a contemptible farce.

This scene we shall behold, and hundreds of American citizens, as many as may crowd into these lobbies and galleries, will behold it also; with what feelings I do not undertake to say.

But we protest, we most solemnly protest, against the substance and against the manner of this proceeding, against its object, against its form, and against its effect. We tell you that you have no right to mar or mutilate the record of our votes given here, and recorded according to the Constitution; we tell you that you may as well erase the yeas and nays on any other question or resolution, or on all questions and resolutions, as on this, we tell you that you have just as much right to falsify the record, by so altering it as to make us appear to have voted on any question, as we did not vote, as you have to erase a record, and make that page a blank, in which our votes, as they were actually given and recorded, now stand. The one proceeding, as it appears to us, is as much a falsification of the records as the other.

Having made this PROTEST, our duty is performed. We rescue our own names, character, and honor from all participation in this matter; and whatever the wayward character of the times, the headlong and plunging spirit of party devotion, or the fear or the love of power, may have been able to bring about elsewhere, we desire to thank God that they have not, as yet, overcome the love of Liberty, fidelity to true republican principles, and a sacred regard for the Constitution, in that State whose soil was drenched, to a mire, by the first and best blood of the Revolution. Massachusetts, as yet, has not been conquered; and while we have the honor to hold seats here as her Senators, we shall never consent to a sacrifice of either her rights, or our own; we shall never fail to oppose what we regard as a plain and open violation of the Constitution of the Country; and we should have thought ourselves wholly unworthy of her if we had not, with all the solemnity and earnestness in our power, protested against the adoption of the resolution now before the Senate.

### Investigation of the Executive Departments.

In Select Committee of the House, to inquire into the Executive Departments, Jan. 23, 1837.

The following resolutions, as amended, were adopted, and a copy of the same directed to be sent by the chairman to each of the heads of the departments.

1. Resolved, That the heads of the several departments be directed to furnish this committee with a statement showing the sums of money paid within the year ending on the first of December last, by such departments respectively, their agents, or deputies, with out authority of law, if any, to printers or editors of newspapers; specifying the names and residence of such printers and editors, and also the names and places of publication of the newspapers owned or published by them; and showing the services and consideration for which such sums have been paid, giving each item as stated in the accounts of such printer or editor, and the reasons for making such payments.

2. Resolved, That the President of the United States be requested, and the heads of the several Executive Departments be directed, to furnish this committee with a list or lists of all the officers, or agents or deputies, who have been appointed or employed & paid, since the 4th of March, 1829, to the last of December last, if any, without authority of law, or whose names are not contained in the last printed Register of public officers, commonly called the Blue Book, by the President or either of the said heads of department respectively, and without nomination to, or the advice and consent of, the United States; showing the names of such officers, agents, or deputies; the sums paid to each, the services rendered, and by what authority appointed and paid, and what reasons for such appointments.

and the authority and reasons for such expenditures.

4. Resolved, That the heads of the several departments be directed to furnish this committee with a list of all officers, agents, or deputies, who have, since the 4th of March, 1829, to the last of December last, within the departments respectively received salaries, pay, or emolument of any kind, and what receiving service to the Government, who have received salaries, pay, or emolument of any kind, without being in office; whose commissions have been ante-dated, who held other stations or appointments, State or Federal, when receiving pay for particular offices, or agencies, or who have been engaged in private employment and what whilst receiving pay from, and rendering no service to, the Government of the United States, with the names of such officers, or agents, or deputies; the sums or salaries paid to each, and the times of service of each respectively.

5. Resolved, That the various Executive officers, in reply to the foregoing resolution, be requested, at the same time, to furnish a statement of the period at which any innovations not authorized by law, if such exist, had their origin; their cause; and the necessity which has required their continuance.

6. Resolved, That the Secretary of the Navy be directed to furnish this committee with the report, or copy of the report, of John P. Van Ness, and Amos K. Hall, commissioners appointed by authority of the President of the United States, to receive and receive and receive certain claims preferred by Mr. Hanson Gasaway, relative to the condemnation and delivery to him, of sundry pieces of ordnance at Washington arsenal, and certain other charges connected with sundry contracts, and other matters connected with the office of the Navy Commissioners, which commissioners sat during the year 1835.

A true copy from the Journal.

Attest: B. F. HALLETT, Clerk.

### In Select Committee of the House to inquire into the Executive Departments, &c. Jan. 23, 1837.

The following resolutions were adopted, and the Chairman directed to furnish the President of the United States with a copy of the same:

Resolved, That the President of the United States be requested, and the heads of the several Executive Departments be directed, to furnish this committee with a list or lists of all officers, or agents, or deputies, who have been appointed or employed & paid, since the 4th of March, 1829, to the first of December last, if any, without authority of law, or whose names are not contained in the last printed Register of public officers, commonly called the Blue Book, by the President or either of the said heads of Department respectively, and without nomination to, or the advice and consent of, the Senate of the United States; showing the names of such officers, agents, or deputies; the sums paid to each, the services rendered, and by what authority appointed and paid, and what reasons for such appointments.

Resolved, That the various Executive officers, in reply to the foregoing resolution, be requested at the same time to furnish a statement of the period at which any innovations not authorized by law, if such exist, had their origin; their cause; and the necessity which has required their continuance.

Attest: B. F. HALLETT, Clerk.

### The President's letter to the Committee.

(Copy.) WASHINGTON CITY, Jan. 26, 1837.

SIR: I received on the evening of the 24th inst. your letter, covering a copy of certain resolutions purporting to have been adopted by a committee of the House of Representatives, of which you are chairman, and request that you will lay before that committee, this, my reply, which I hasten to make.

It appears, by the published proceedings of the House of Representatives, that the committee, of which you are chairman, was appointed on your motion. The resolution offered by you, and finally adopted by the House, raised a direct issue with that part of my annual message in which I held the following language:—"Before concluding this paper, I think it due to the various Executive Departments, to bear testimony of their prosperous condition, and to the ability and integrity with which they have been conducted. It has been my aim to enforce in all of them a vigilant and faithful discharge of the public business; and it is gratifying to me to believe that there is no just cause of complaint, from any quarter, at the manner in which they have fulfilled the object of their creation." Your resolution is in the following words:—"Resolved, That so much of the President's message as relates to the condition of the various Executive Departments, the ability and integrity with which they have been conducted, the vigilant and faithful discharge of the public business in all of them, and the causes of complaint from any quarter, at the manner in which they have fulfilled the objects of their creation, be referred to a select committee, to consist of nine members, with power to send for persons and papers, and with instructions to inquire into the condition of the various Executive Departments, the ability and integrity with which they have been conducted, in the manner in which the public business has been discharged in all of them, and into all causes of complaint, from any quarter, at the manner in which said departments, or their bureaus or offices, or any of their officers or agents of every description whatever, directly or indirectly connected with them in any manner, officially or unofficially, in duties pertaining to the public interest, have fulfilled or failed to accomplish the objects of their creation, or have violated their duties, or have injured and impaired the public service and interest, and that said committee, in its inquiries, you will

such periods of time as to them may seem expedient and proper." It also appears, from the published proceedings of the House, that this resolution was accompanied and supported by a speech of considerable length, in which you preferred many severe but vague charges of corruption and abuse in the Executive Departments. The resolutions adopted by the committee, as well as that adopted by the House itself, must be taken in connection with your introductory speech, which gives a character to the whole proceeding. When thus regarded, it is obvious that, by the resolution of the House, an issue is made with the President of the United States; as he had alleged, in his annual message, that the heads of the Executive Departments had performed their official duties with ability and integrity. In your speech you denied this; you charged them with manifold corruptions, and abuses of trust, as you had done in former speeches, to which you referred; and you demanded an investigation through the medium of a committee. Certain other members of Congress, as appears by the published debates, united with you in these accusations; and for the purpose of ascertaining their truth or falsehood, the committee you demanded was ordered to be raised, and you were placed at its head. The first proceeding of the investigating committee is to pass a series of resolutions, which, tho' amended in their passage, were, as understood, introduced by you, calling on the President and the heads of the Departments—not to answer any specific charge; not to explain any alleged abuse; not to give information as to any particular transaction; but, assuming that they have been guilty of the charges alleged, calls upon them to furnish evidence against themselves!

After the reiterated charges you have made, it was to have been expected that you would have been prepared to reduce them to specifications; and that the committee would then proceed to investigate the matters alleged.—But instead of this, you resort to generalities even more vague than your original accusations, and in open violation of the Constitution, and of that well established and wise maxim, "that all men are presumed to be innocent until proven guilty, according to the established rules of law;" you request myself and the heads of the departments to become our own accusers, and to furnish the evidence to convict ourselves; and this call purports to be founded on the authority of that body in which alone, by the Constitution, the power of impeaching us is vested! The heads of departments may answer such a request as they please, provided they do not withdraw their own name, and that of the officers under their direction, from the public business, to the injury thereof. To that business I shall direct them to devote themselves, in preference to any illegal and unconstitutional calls for information, no matter from what source it may come, or however anxious they may be to meet it. For myself, I shall repel all such attempts as an invasion of the principles of justice, as well as of the Constitution; and I shall esteem it my sacred duty to the people of the United States, to resist them as I would the establishment of a Spanish Inquisition.

If, after all the severe accusations contained in the various speeches of yourself and your associates, you are unwilling of your own accord to bring specific charges, then I request your committee to call yourself and your associates, and every other member of Congress who has made the general charge of corruption, to testify before God and our country, whether you or they know of any specific corruption or abuse of trust in the Executive Departments; and if so, what it is. If you are able to point to any case where there is the slightest reason to suspect corruption or abuse of trust, no obstacle which I can remove shall be interposed to prevent the fullest scrutiny by all legal means. The offices of all the departments will be opened to you, and every proper facility furnished for this purpose.

I hope, sir, we shall at last have your charges, and that you will proceed to investigate them, not like an inquisitor, but in the accustomed mode. If you either will not make specific accusations, or if, when made, you attempt to establish them by making freemen their own accusers, you will not expect me to countenance your proceedings. In the short period which remains of my official duty, I shall endeavor, as I have heretofore endeavored, to fulfil the obligations of that oath of office, by which, I engaged "to the best of my ability, to preserve, protect, and defend the Constitution of the United States;" and for this, and other reasons of the most solemn character, I shall, on the one hand, oppose every possible facility, consistent with law and justice, to be given to the investigation of specific, tangible charges, and on the other, shall repudiate all attempts to invade the just rights of the Executive Departments, and of the individuals composing the same.—If, after all your clamor, you will

make no specific charges, or bring no proof of such as shall be made, you and your associates must be regarded by the good people of the U. States as the authors of unfounded calumnies; & the public servants whom you have assailed will, in the estimation of all honorable men, stand fully acquitted.

In the mean time, I cannot but express my astonishment that members of Congress should call for information as to the names of persons to whom contingent moneys are paid, and the objects of those payments, when there are six standing committees under the seventy-seventh rule of the House of Representatives, whose special duties are to examine annually into all the details of those expenditures in each of the Executive Departments. The like remark is applicable to some other branches of the information sought by you, ample details in respect to which are to be found in the reports laid before Congress, and now on your files, and to which I command you to have recourse.

I am, respectfully, &c.  
(signed) ANDREW JACKSON.

To the Hon. HENRY A. WAGNER,  
Chairman of the Investigating Committee of the House of Representatives charged against the Executive Departments.

I certify that this is a true copy from the original sent.

Test: A. JACKSON, Junr.,  
Private Secretary, &c.

### DOINGS IN CONGRESS.

#### IN SENATE.

Monday, February 6, 1837.

**Abolition Petitions.**—The subject was introduced in the Senate early in the day, by the presentation of a petition from sundry citizens of Indiana, by Mr. Tipton, one of the Senators from that State. He expressed himself decidedly opposed to the prayer of the petitioners; and further declared that he did not believe that Congress had the right to interfere with slavery, either in the States or the District of Columbia. He felt himself, however, bound to present the petition, and moved its reference to the committee on the District of Columbia.

Mr. Calhoun read one of the rules of the Senate, which required that all petitions, before reception, should be moved and seconded by those who presented them. He, therefore, objected to the reception but upon a compliance with the rule. In this he was sustained by the chair; and in order to save time, Senators who held petitions were called upon to present them together. This was done, and they came in "fast and furious."

The question then arose as to the right of petition on this subject, and the obligation to receive them on the part of Congress. Messrs. Ewing of Ohio, Morris, Tipton, and others maintained that the refusal to receive them encroached on the right of petition, and at the same time tended to increase the excitement about abolition in the free states, by putting the advocates of the right of petition and the abolitionists, on grounds of expediency and constitutionality; therefore they urged the reception and reference of the petitions.

Mr. Calhoun denied that any body of men had the right to force their petitions on this subject on Congress—and proved, from the very language of the rule of the Senate, which he had read, as well as from the nature of the subject, and the character of the body, that it had the right to reject the petitions. He was followed by

Mr. Bayard, a Senator worthy of his own great, and fearless and irreproachable name, in an argument at once clear and conclusive, that the refusal to receive did, by no means, conflict with the right of petition. The constitution had provided that Congress should pass no law to "prohibit the people from peaceably assembling together to petition for a redress of grievances." This was all the constitution said upon the subject. And did any man propose to pass such a law? No. The people had a right to petition—a right not from the constitution, but from the very nature of the government. But it was for Congress to say whether it would receive, entertain, discuss, grant or reject the prayer of these petitions. This did by no means conflict with the right of petition. He was anxious to see all discussion on these dangerous and exciting topics cut off. For that reason he moved to lay the motion to receive on the table. After some further observations, this motion was carried—yeas 31—nays 15.

Mr. Davis, of Massachusetts, who was not in his seat when the petitions had been presented, offered those in his possession, which were disposed of as the others had been; and here we hoped the matter would have stopped. But it was otherwise decreed.

Mr. Morris, of Ohio, rose and offered another petition, which had been overlooked in the first instance; and upon this the whole question came up again, and was discussed with great animus, until 3 o'clock P. M. Mr. Morris took the ground that Congress was bound to receive the petitions; and was sustained by Messrs. Tipton,