things and capable of high sentiments a his noble discourse before Ferdinand an Isabella, as well as the whole history o his life, shows. Probably he sacrificed much to the known sentiments of others and addressed to his followers motives likely to influence them. At the same time it is evident that he himself looked upon the world which he discovered as a world of wealth, all ready to be seized and enjoyed.

The conquerors and the European settlers of Spanish America were mainly military commanders and common soldiers. The monarchy of Spain was not transferred to this hemisphere, but it acted in it, as it acted at home, through its ordinary means, and its true representative, military force. The robbery and destruction of the native race was the achievement of standing armies, in the fight of the king and by his authority; fighting in his name, for the aggrandizement of his power, and the extension of his prerogatives with military ideas under arbitrary maxims, a portion of that dreadful instrumentality by which a perfect despotism governs a people. As there was no liberty in Spain, how could liberty be transmitted to Spanish colonies?

The colonists of English America were of the people, and a people already free. They were of the middle, industrious, & already prosperous class, the inhabitants of commercial and manufacturing cities among whom liberty first revived and respired, after a sleep of a thousand years in the bosom of the dark ages. Spain descended on the new world in the armed and terrible image of her monarchy and her soldiery; England approached it in the winning and popular garb of personal rights, public protection and civil freedom. England transplanted liberty to America! Spain transplanted power. England, through the agency of private companies and the efforts of individuals, colonized this part of North America, by industrious individuals making their own way in the wilderness, defending themselves against the savages, recognizing their right to the soil, and with a general honest purpose of introducing knowledge as well as Christianity among them. Spain stooped on South America, like a falcon on its prey. Every thing was gone.—Territories were acquired by fire and sword. Cities were destroyed by fire and sword. Hundreds of thousands of human beings fell by fire and sword. Even conversion to Christianity was attempted by fire and sword.

Behold, then fellow citizens, the difference resulting from the operation of the two principles! Here, to day, on the summit of Bunker Hill, and at the foot of the monument, behold the difference! I would, that the fifty thousand voices present could proclaim it, with a shout which should be heard over the globe. Our inheritance was of liberty, secured and regulated by law, & enlightened by religion & knowledge; that of South America was of power, stern, unrelenting, tyrannical, military power. And look to the results, on the general and aggregate happiness of the human race. And behold the results, in all the regions conquered by Cortez and Pizarro, and the contrasted results here. I suppose the territory of the United States may amount to one eight or one tenth of that colonized by Spain on this continent, and yet in all that vast region there are but between one and two millions of European colour and European blood; while in the United States there are fourteen millions who rejoice in their descent from the people of the more northern part of Europe.

But we follow the difference, in the original principle of colonization, and in its character and objects, still further.—We must look to moral and intellectual results; we must consider consequences, not only as they show themselves in the greater or less multiplication of men or the supply of their physical wants—but in their civilization, improvement and happiness. We must inquire what progress has been made in the true science, of liberty, and in the knowledge of the great principles of self-government.

I would not willingly say any thing on this occasion, discourteous to the new governments, founded on the demolition of the power of the Spanish monarchy. They are yet on their trial; and I hope for a favorable result. But truth, sacred truth, and fidelity to the cause of civil liberty, compels me to say that hitherto they have discovered quite too much of the spirit of that monarchy, from which they separated themselves. Quite too frequent resort is made to military force; and quite too much of the substance of the people consumed, in maintaining armies, not for defence against foreign aggression only, but for enforcing obedience to domestic authority. Standing armies are the oppressive instruments for governing the people, in the hands of hereditary and arbitrary monarchs. A military republic, a government founded on mock elections, and supported only by the sword, is a movement indeed, but a retrograde and disastrous movement from the monarchical systems. If men would enjoy the blessings of Republican government, they must govern themselves by reason, by mutual counsel and consultation, by a sense and feeling of general interest, and by the acquiessance of the minority in the will of the majority, properly expressed; and above all, the military must be kept, according to the language of our bill of rights, in strict subordination to the civil authority. Wherever this lesson is not both learned and practised, there can be no political freedom. Absurd, preposterous is it—a scoff & a satire on free forms of constitutional liberty, for constitutions and frames of government to be prescribed by military leaders, and the right of suffrage to be exercised at the point of the sword.

Making all allowance for situation and climate, it cannot be doubted by intelligent minds, that the difference now existing between North and South America is justly attributable, in a great degree, to political institutions. And how broad that difference is! Suppose an assembly in one of the valleys, or on the side of one of the mountains of the southern half of the hemisphere, to be held, this day, in the neighborhood of a large city;—what would be the scene presented?—Yonder is a volcano, flaming and smoking, but sheding no light, moral or intellectual. At its foot is the mine, yielding, perhaps sometimes, large gains to capital but in which labor is destined to eternal and unrequited toil, and rewarded only by penury and beggary. The city is filled with armed men: not a free people, armed and coming forth voluntarily to rejoice in a public festivity; but hireling troops, supported by forced loans, excessive impositions on commerce, or taxes wrung from a half fed, and a half clothed population. For the great there are palaces covered with gold; for the poor there are hovels of the meanest sort. There is an ecclesiastical hierarchy enjoying the wealth of princes; but there are no means of education to the people. Do public improvements favor intercourse between place and place? So far from this, that the traveller cannot pass from town to town, without danger, every mile, of robbery and assassination. I would not overcharge, or exaggerate this picture; but its principal sketches are all too true.

And how does it contrast with the scene now actually before us? Look round upon these fields; they are verdant and beautiful, well cultivated, and at this moment loaded with the riches of the early harvest. The hands which till them are the free owners of the soil, enjoying equal rights, and protected by law from oppression and tyranny. Look to the thousand vessels in our sight filling the harbor, or covering the neighbouring sea. They are the instruments of a profitable commerce, carried on by men who know that the profits of their hardy enterprise when they make them, are their own: and this commerce is encouraged and regulated by wise laws, and defended, when need be, by the valor and patriotism of the country. Look to that fair city, the abode of so much defused wealth, so much general happiness and comfort; so much personal independence, and so much general knowledge. She fears no forced contributions, no siege or sacking from military leaders of rival factions—The hundred temples, in which her citizens worship God, are in no danger of sacrilege. The regular administration of the laws encounters no obstacle. The long processions of children and youth, which you see this day issuing by thousands from the free schools, prove the care and anxiety with which a popular government provides for the education & morals of the people. Every where there is order; every where there is security. Every where the law reaches to the highest, and reachest to the lowest, to protect him in his rights and to restrain him from wrong; and over all hovers liberty, that liberty, which our fathers fought and fell for, on this very spot, with her eye ever watchful, and her eagle wing ever out spread.

The Colonies of Spain, from their origin to their end were subject to the sovereign authority of the kingdom. Their government as well as their commerce, was a strict home monopoly. If we add to this, the established usage or filling important posts in the administration of the Colonies, exclusively by natives of Old Spain, thus cutting off forever, all hopes of honorable preferment from every man born in the Western hemisphere, causes enough rise up before us at once, to account fully for the subsequent history & character of these provinces. The Viceroys and Provincial Governors of Spain were never at home, in their governments in America. They did not feel that they were of the people whom they governed. Their official character and employment have a good deal of resemblance to those of the Pro consuls at Rome, in Asia, Sicily & Gaul; but obviously no resemblance to those of Carver and Winthrop and very little to those of the Governors of Virginia after that Colony had established a popular house of Burgesses.

The English Colonist in America, generally speaking, were men who were seeking new homes in a new world—They brought with them their families and all that was most dear to them. This was especially the case with the colonists of Plymouth and Massachusetts. Many of them were educated men and all possessed their full share, according to their social condition, of the knowledge and attainments of that age. The distinctive characteristic of their settlement is the introduction of the civilization of Europe into a wilderness, without bringing with it the political institutions of Europe.—The arts, sciences and literature of England came over with the settlers. That great portion of the common law, which regulates the social and personal relations and conduct of men, came also. The jury came; the habeas corpus came; the testimentary power came, and the law of inherritance and descent came also, except that part of it which recognizes the rights of primogeniture, which either did not come at all, or soon gave way to the rule of equal partition of estates among children. But the monarchy did not come, nor the aristocracy, nor the church as an estate of the realm. Political institutions were to be framed anew, such as should be adapted to the state of things. But it could not be doubtful, what should be the nature and character of these institutions. A General social equality prevailed among the settlers and an equality of political rights seemed the natural, if not the necessary consequence. After forty years of revolution, violence and war, the people of France have placed at the head of the fundamental instrument of their government, as the great boon obtained by all their sufferings and sacrifices, the declaration of that all Frenchmen are equal before the law.—What France had reached only by the expenditure of so much blood and treasure, and the exhibition of so much crime, the English colonists obtained, by simply changing their place, carrying with them the intellectual and moral culture of Europe, and the personal & social relations to which they were accustomed, but leaving behind their political institutions. It has been said with much veracity, that the felicity of the American colonists consisted in their escape from the past.—This is true, so far as respects political establishments but no further. They brought with them a full portion of all the riches of the past, in science, in art in morals, religion and literature. The Bible came with them. And it is not to be doubted; that to the free and universal reading of the Bible, is to be ascribed in that age, ascribed in every age, that men were much indebted for right views of civil liberty. The Bible is a book of faith, and a book of doctrine; but it is also a book, which teaches man his own individual responsibility, his own dignity and his equality with his fellow man—Bacon, and Locke, and Milton, and Shakspeare also came with them. They came to form new political systems, but all that belonged to cultivated man, to family, to neighbourhood, to social relations accompanied them. In the Doric phrase of one of our own historians, "they came to settle on bare creation," but their settlement in the wilderness nevertheless, was not a lodgment of nominal tribes, a mere resting place of roaming savages. It was the beginning of a permanent community, the fixed residence of cultivated men. Not only was English literature read, but English, good English was spoken and written, before the axe had made way to let in the sun upon the habitations and fields of the settlers. And whatever may be said to the contrary, a correct use of the English language is, at this day, more general throughout the United States, than it is throughout England herself. But another grand characteristic is, that in the English colonies, political affairs were left to be managed by the colonists themselves. There is another fact wholly distinguishing them in character as it has distinguished them in fortune from the colonists of Spain. Here lies the foundation of that experience in self government, which had preserved order, and security and regularity amidst the play of popular institutions. Home government was the secret of the prosperity of the North American settlements. The more distinguished of the New England colonists, with a most remarkable segacity, and a long sighted reach into futurity, refused to come to America, unless they could bring with them charters providing for the administration of their affairs in this country. They saw from the first, the evils of being governed in the new world, by counsels held in the old. Acknowledging the general superiority of the crown, they still insisted on the right of passing local laws; and of local administration. And history teaches us the justice and the value of this determination in the example of Virginia. The attempts early to settle that colony failed, sometimes with the most melancholy and fatal consequences, from want of knowledge, care and attention on the part of those who had the charge of their affairs in England; and it was only after the issuing of the third charter, that its prosperity fairly commenced. The cause was that by that third charter the People of Virginia, (for by this time they so deserve to be called,) were allowed to constitute and establish the first popular representative Assembly, which ever convened on this continent, the Virginia House of Burgesses.

Here then, are the great elements of our political system originally introduced, early in operation and ready to be developed, more and more as the progress of events should justify or demand.

Escape from the political systems of Europe; but the continued enjoyment of its sciences and arts, its literature, and its manners; with a series of improvements upon its religious and moral sentiments and habits. Home government: or the power of passing local laws, with a local administration.

Equality of rights.

Representative systems.

Free forms of government, founded on popular Representation.

Few topics are more inviting, or more fit for philosophical discussion, than the action and influence of the new world upon the old; or the contributions of America to Europe.

Her obligation to Europe for science and art, laws, literature and manners, America acknowledges as she ought, with respect and gratitude. And the people of the United States, descendants of the English stock, grateful for the treasures of knowledge derived from their English ancestors, acknowledge also, with thanks and filial regard, that among those ancestors, under the culture of Hampden and Sidney, and other assidious friends, that seed of popular liberty first germinated, which on our soil has shot up to its full height, until its branches overshadow all the land.

But America has not failed to make returns. If she has not cancelled the obligation, or equalled it by others of like weight she has, at least, made respectable advances, and some approaches towards equality. And she admits, that standing in the midst of civilized nations, and in a civilized age—a nation among nations—there is a high part which she is expected to act, for the general advance of human interests and human welfare.

American mines have filled the mints of Europe with the precious metals.—The productions of the American soil and climate have poured out their abundance of luxuries for the tables of the rich, & of necessaries for the sustanance of the poor. Birds and animals of beauty and value have been added to the European stocks; and transplantations from the transcendant and unequalled riches of our forests have mingled themselves profusely with the elms, and ashes, and druical oaks of England.

America has made contributions far more vast. Who can estimate the amount, or the value, of the augmentation of the commerce of the world, that has resulted from America? Who can imagine to himself what would be the shock to the Eastern Continent, if the Atlantic were no longer traversable, or there were no longer American productions, or American markets?

But America exercises influence, or holds out examples for the consideration of the Old World, of a much higher, because they are of a moral and political character.

America has furnished to Europe proof of the fact that popular institutions, founded on equality & the principle of representation, are capable of maintaining governments—able to secure the rights of person, property and reputation.

America has proved that it is practicable to elevate the mass of mankind—that portion which in Europe is called the laboring, or lower class—to raise them to self respect, to make them competent to act a part in the great right, and duty of self government; and this she has proved may be done by education and the diffusion of knowledge. She holds out an example, a thousand times more enchanting than ever was presented before to those nine tenths of the human race who are born without hereditary fortune or hereditary rank.

America has furnished to the world the character of WASHINGTON! And if our American institutions had done nothing else, that alone would have entitled them to the respect of mankind. WASHINGTON! "First in war, first in peace, & first in the hearts of his countrymen!—Washington is all our own! The enthusiastic veneration and regard in which the people of the United States hold him, prove them to be worthy of such a countrymen; while his reputation abroad reflects the highest honor on his country and its institutions. I would cheerfully put the question to day to the intelligence of Europe and the world, what character of the century, upon the whole, stands out in the relief of history, most pure most respectable, most sublime; and I doubt not that by a sufferage approaching to unanimity the answer would be, WASHINGTON.

This structure, by its uprightness, its solidity, its durability, is no unfit emblem of his character. His public virtues and public principles were as firm as the earth on which it stands; his personal motives as pure as the serene heavens in which its summit is lost. But indeed though a fit, it is an inadequate emblem. Towering high above the column which our hands have builded, beheld not by the inhabitants of a single city or a single State—ascends the colossal grandeur of his character and his life. In all the constituents of the one—in all the acts of the other—in all its titles to immortal love, admiration, and renown—it is an American production. It is the embodiment and vindication of our trans-Atlantic liberty. Born upon our soil—of parents also born upon it—never for a moment having had a sight of the old world—instructed according to the modes of his time, only in the spare, plain but wholesome elementary knowledge which our institutions provide for the children of the people—growing up beneath and penetrated by the genial influences of American society—growing up amidst our expanding, but not luxurious civilization—partaking in our great destiny of labour, our long contest with unreclaimed nature and uncivilized man—our agony of glory, the War of Independence—our great victory of peace, the formation of the Union and the establishment of the present Constitution—he is all—all our own! That crowded and glorious life—

"Where multitudes of virtues passed along,
Each pressing foremost in the mighty throng,
Contending to be seen, then making room
For greater multitudes that were to come,"

that life was the life of an American citizen.

I claim him for America. In all the perils, in every darkened moment of the state, in the midst of the reproaches of enemies and the misgiving of friends—I turn to that transcendant name for courage, & for consolation. To him who denies or doubts whether our fervid liberty can be combined with law, with order, with the security of property, with the pursuits and advancement of happiness—to him who denies, that our institutions are capable of producing exaltation of soul and the passion of true glory—to him who denies that we have contributed any thing to the stock of great lessons and great examples—to all these I reply by pointing to Washington!

And now, friends and fellow citizens, it is time to bring this discourse to a close.

We have indulged in gratifying recollections of the past, in the prosperity & pleasures of the present, & in high hopes of the future. But let us remember that we have duties and obligations to perform, corresponding to the blessings which we enjoy. Let us remember the trust, the sacred trust, attaching to the rich inheritance which we have received from our fathers.—Let us feel our responsibility, to the full extent of our power and influence, for the perservation of our institutions of civil and religious liberty.—And let us remember that it is only religion, and morals, and knowledge, that can make men respectable and happy under any form of government. Let us hold fast the great truth that communities are responsible, as well as individuals; that no government is respectable which is not just; that without unspotted purity of public faith, without sacred public principle, fidelity and honor—no mere forms of government, no machinery of laws, can give dignity to political society. In our day and generation let us seek to raise & improve the moral sentiment, so that we may look, not for a degraded, but for an elevated and improved future. And when we, and our children, shall all have been consigned to the house appointed for all living, may love of country—and pride of country—glow with equal fervor among those to whom our names and our blood shall have descended? And then, when honored and decrepid age shall lean against the base of this monument, and troops of ingenious youth shall be gathered round it, & when the one shall speak to the other of its objects, the purposes of its construction, and the great and glorious events with which it is connected—there shall rise from every youthful breast, the ejaculation—'THANK GOD! I—I ALSO AM AN AMERICAN CITIZEN!'

The speech commenced at twenty three minutes before two, and was finished at twenty seven minutes before four. It was constantly and loudly cheered by the immense auditory, whose enthusiasm seemed to be raised to the highest pitch by the excitement of the occasion, the grandeur of the scene, and the eloquence of the orator.

From the Alabama Monitor.

PORTRAITS OF THE 14TH CONGRESS.

In the speech of Mr. Wilde, of Georgia, delivered in the House of Representatives in 1832, on the Tariff, he thus introduces, in a style of beauty peculiar to his own classic genius, a sketch of some of the distinguished men of the Fourteenth Congress, (1816). Mr. Wilde says:—

"The restrictive system is more plainly to be traced to the embargo, non intercourse, non-importation, war, and double duties. When peace came, these duties were about to expire. A new system of revenue was to be devised, and the manufacturers, threatened, as they believed with ruin, earnestly and humbly entreated that the amount required as revenue should be so imposed as to enable them to stand the shock.

It was under such circumstances that the fourteenth Congress assembled.—At that time I had the honor to be a member of this House. It was an honor *then*. What it is *now*, I shall not say.—It is what the twenty-second Congress have been pleased to make it. I have neither time, nor strength, nor ability to speak of the legislators of that day, as they deserve; nor is this the fit occasion. Yet the coldest or most careless nature cannot recur to such associates, without some touch of generous feeling, which in quicker spirits, would kindle into high and almost holy enthusiasm.

LOWNDES.

Pre-eminent—yet not more proudly than humbly pre-eminent—among them, was a gentleman from South Carolina, now no more; the purest, the calmest the most philosophical of our country's modern statesmen. One no less remarkable for gentleness of manners, and kindness of heart, than for that passionless unclouded intellect, which rendered him deserving of the praise—if ever man deserved it—of merely standing by and letting reason argue for him. The true patriot, incapable of all selfish ambition, who shunned office and distinction, yet served his country faithfully, because he loved her. He, I mean, who consecrated, by his example, the noble precept so entirely his own, that the first station in the republic was neither to be sought after nor declined—a sentiment so just and so happily expressed, that it continues to be repeated, because it cannot be improved.

PINKNEY.

There was, also, a gentleman from Maryland, whose ashes now slumber in your cemetery. It is not long since I stood by his tomb, and recalled him, as he was then, in all the pride and power of his genius. Among the first of his countrymen and cotemporaries, as a jurist and statesman, first as as an orator, he was, if not truly eloquent, the prince of rhetoricians. Nor did the soundness of his logic suffer any thing, by a comparison with the richness and classical purity of the language in which he copiously poured fourth tho-e figurative illustrations of his argument, which enforced while they adorned it. But let others pronounce his eulogy. I must not. I feel as if his mighty spirit still haunted the scene of its triumphs, and when I dared to wrong them, indignantly rebuked me.

These names have become historical. There were others, of whom it is more difficult to speak, because yet within the reach of praise or envy. For one who was, or aspired to be, a politician, it would be prudent, perhaps wise, to avoid all mention of these men. Their acts, their words, their thoughts, their very looks have become subjects of party controversy. But he whose ambition is of a higher or lower order, has no need of such reserve. Talent is of no party exclusively; nor is justice.

RANDOLPH.

Among them, but not of them, in the fearful and solitary sublimity of genius, stood a gentleman from Virginia—whom it were superfluous to designate.—Whose speeches were universally read. Whose satire was universally feared. Upon whose accents did this habitually listless and unlistening House hang, so frequently, with wrapt attention?—whose fame was identified with that body for so long a period? Who was a more dexterous debator? a riper scholar? better versed in the politics of our own country? or deeper read in the history of others? Above all who was more thoroughly imbued with the idiom of the English language—more completely master of its strength and beauty, and delicacy? or more capable of breathing thoughts of flame in words of magic, and tones of silver?

CALHOUN.

There was, also, a son of South Carolina, still in the service of the Republic, then, undoubtedly, the most influential member of this House. With a genius eminently metaphysical, he applied to politics his habits of analysis, abstraction, and condensation, and thus gave to the problems of government something of that grandeur which the higher mathematics have borrowed from astronomy.—The wings of his mind were rapid, but capricious, and there were times when the light which flashed from them as they passed, glanced like a mirror in the sun, only to dazzle the beholder. Engrossed with his subject—carless of his words—his loftiest flights of eloquence were sometimes followed by colloquial or provincial barbarisms. But, though often incorrect he was always fascinating. Language, with him, was merely the scaffolding of thought—employed to raise a dome, which, like Angelo's, he suspended in the heavens.

CLAY

It is equally impossible to forget, or to omit, a gentleman from Kentucky, whom party has since made the fruitful topic of unmeasured panegyric and detraction. Of sanguine temperament, and impetuous character, his declamation was impassioned, his retorts acrimonious. Deficient in refinement, rather than in strength, his style was less elegant and correct, than animated and impressive. But it swept away your feelings with it, like a mountain torrent, and the force of the stream left you little leisure to remark upon its clearness. His estimate of human nature was, probably, not very high. It may be that his past associations had not tended to exalt it. Unhappily, it is, perhaps, more likely to have been lowered than raised by his subsequent experience. Yet then, and ever since, except when that imprudence, so natural to genius, prevailed over his better judgment, he had, generally, the good sense, or good taste, to adopt a lofty tone of sentiment, whether he spoke of measures, or of men, of friend, or adversary. On many occasions he was noble and captivating. One, I can never forget. It was the fine burst of indignant eloquence with which he replied to the taunting question "what have we gained by the war?"

WEBSTER.

Nor may I pass over in silence a representative from New Hampshire, who has almost obliterated all memory of that distinction, by the superior fame he has attained as a Senator from Massachusetts. Though then but in the bud of his political life, and hardly conscious, perhaps, of his own extraordinary powers, he gave promise of the greatness he has since acheived. The same vigor of thought: the same force of expression: the short sentences; the calm, cold, collected manner: the air of solemn dignity: the deep, sepulchral, unimpassioned voice; all have been developed only, not changed, even to the intense bitterness of his frigid irony. The piercing coldness of his sarcasm was indeed peculiar to him: they seemed to be emanations from the spirit of the icy ocean. Nothing could be at once so novel and so powerful—it was frozen mercury, becoming as caustic as red iron.

COMMANDER MACKENZIE.

Some weeks since, it will be recollected, the New York Journal of Commerce published a statement to the effect that Commander Mackenzie had been acquitted of the charges on which he was tried before the Naval Court Martial by a *minority* of the Court—that is, that *seven* of the twelve members of the Court thought the charges proved. Commander Mackenzie, deeming himself aggrieved by this publication, brought a suit for libel against the editors, with a view to elicit the truth of the matter—and we are truly gratified to say that the truth has been at length elicited—to the honor of that excellent & fearless officer. The New York Journal of Commerce of Wednesday contains the proceedings of the Supreme Court in the case, including the testimony given by Captain Isaac McKeever, one of the members of the Naval Court Martial, before which Commander Mackenzie was tried. The result of the matter is, that on the charge of murder nine out of twelve members of the Court voted that it was not proven, and the remaining three voting that it was proven, with an important qualification.

Omitting unnecessary details of this case, as reported in the Journal of Commerce, we give the substance of the questions and answers in the testimony of Capt Mc Keever.

How many members of the Court were present, and what were their names—

Answer—Twelve—Captains Downes, Read, Bolton, Sloat, Turner, Storer, Mysell, Paige, Gwinn, Wyman, Commanders Ogden and Shubrick.

What was the vote of the said Court upon the first charge, to wit; that alleging that the said Alexander Slidell Mackenzie had been guilty of murder on board a United States vessel on the high seas?

Answer—On the first charge nine members voted that the charge was not proven; three voted that it was proven in the second degree—by this I understood them to intend that the act was proven, but without malice.

What was the vote upon the second charge, to wit; that alleging that the said Alexander Slidell Mackenzie had been guilty of oppression? and specifying that that oppression consisted in hanging Philip Spencer, Elisha Small and Samuel Cromwell.

Answer—On the second charge, nine members voted that the charge was not proven, three voted that it was proven.

What was the vote upon the third charge, to wit, that alleging that the said Alexander Slidell Mackenzie had been guilty of inflicting illegal punishment, and specifying that such illegal punishment consisted in hanging Spencer, Small and Cromwell.

Answer—Nine members voted that the charge was not proven—three that the charge was proven. It is possible that on this charge eight voted that the charge was not proven, and four that it was proven. But my strong impression is that on all the charges the vote stood nine for not proven, three for proven. If there were four who voted that this charge was proven, one of the four also voted that the act was justified by necessity.

Cross examined by the Counsel for the defendant—

Q. How was the vote of the several members taken?

A. Viva voce.

Q. Was it audibly pronounced by each in your hearing as it was given?

A. It was.

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