EXTRACTS FROM THE

REPORT OF THE SECRETARY OF WAR.

WAR DEPARTMENT, 1st Dec.

To the President of the U. States:

SIR: I have the honor to make known to you the operations of this Department during the present year, and to offer such suggestions as appear to me necessary to be presented. The army, at the different positions it has occupied along our western and southern frontiers, has been engaged in preserving quiet in those quarters, and has fully succeeded.—Fears were entertained of a serious rupture with some of our northwestern tribes of Indians, but the presence of a military force and the exercise of a proper discretion on the part of those to whom the trust of reconciling them was confided, has had the effect to prevent it, and peace has been the consequence. Similar apprehensions have recently been entertained of the Indians who reside on our southwestern boundary, and precautionary steps have been taken to prevent any acts of hostility. The vigilance, intelligence, and discretion of our officers induce a belief that, by their exertions, these distant tribes can be retained at peace with each other. Occasional interruptions have arisen from marauding parties, who range through the forest, and, at points distant from our posts, commit depredations: these acts, in turn, produce retaliation. It is important to prohibit these aggressions, if possible though no other plan can be suggested than what has already, heretofore, been presented, viz: an authority to employ a detachment of mounted troops. These, ranging through the country at irregular periods, would do much more towards preserving peace within our Indian tribes, and quiet along our borders, than could be effected through any augmentation of our posts

The breakwater situated at the mouth of the Delaware river is another valuable improvement, which within the last year has been rapidly progressing. The work has already risen above the water and furnished evidence of its importance to our commerce. During the violent gale of last September, several vessels which lay under the protection of this work were preserved. The force of the sea being broken by its opposition, they were enabled to keep at their moorings, and to ride out the gale in safety. Fifteen other vessels in view not possessing the advantages of this position were driven on shore, and lost or gotten off at much expense. A few years will complete this valuable work. The attention it has received since it was placed in charge of the Quartermaster's Department by your direction, and the advantages already derived from it, gives proof of the propriety of its completion, and of the numerous benefits it must afford to commerce. At this heretofore hazardous part of our coast navigation, a security will be afforded, which in a few years may occasion a saving of property which will amply compensate for the cost incurred in its construction.

Under the authority confided by you, during last summer, I visited some of the Indian tribes, with a highly valuable auxiliary, General John Coffee, of Alabama, and made known to them their situation. With the Chocktaws and Chickasaws, (the only tribes with whom we negotiated,) treaties were concluded. From all appearances, they were well satisfied with their own decision, and the course which we pursued towards them. If any different feeling has since been incited, it is the work of persons who have sought, through the channels of their ignorance, to persuade them to the belief that great injustice has been practised. I undertake to assure you, that in all we did, the utmost fairness and candour were practised. We sought through persuasion only, to satisfy them that their situation called loudly for serious reflection. Pending the negotiation, no secret meetings were had, no bribes were offered, nor promises made. Every argument adduced, or sugestion offered, was in open council, and in view of those whose rights were to be affected. Of this, abundant evidence exists, whatever may be said to the contrary. There was no motive to impose upon, or to deceive them. Our instructions forbade us to do so, and our inclination, besides, was an ample restraint. The treaties concluded are ready for submission; and how far any practised injustice or want of liberality can be imputed, will be fairly judged of when their tenor and condition shall be disclosed. If a liberality ample and generous has not been regarded, our wishes have failed, and our judgments been mistaken.

During this period I witnessed much of Indian character, their progress, refinement, and march towards civilization, and can well say, that, in conducting the negotiation every thing was done to retain them in those pursuits which would tend to their advancement, and to which their situation could reasonably lay claim. Those who so zealously have espoused the cause, and who affect seriously to deplore their condition, are acting upon false premises, or are moved by mistaken considerations of kindness. But, as mankind are found to differ even upon essential matters of faith, and their ultimate results, I can well imagine, that, in reference to such a subject at the present, honest differences of opinion may be expected, and will arise. Yet, before a desire be adopted, earnestly, to retain these people, at their present homes, we should be careful not to receive mere impressions for facts, but rather to hear the suggestions of truth and reason. We should look to the red men as they are, and not as oftentimes they are represented to be; to their inapitude to live under a well regulated system of law, and to the danger and hazard of the experiment. A few of them are well informed men, and capable of enjoying refined society. These are the mixed Indians—the half breed, as they are usually termed. Scarcely any of the others speak our language, or are acquainted with the principles of our government. Little hope should be entertained, even by those most sanguine on the subject, that any material advances in civilization can be made with the present generation—those, I mean, who are now at maturity in life. Care and attention towards the rising generation may tend greatly to improve, and in time to meliorate, their present condition.—To turn them to industry, is of first importance. Labor is never an acceptable pursuit to Indians. In their unimproved state, a fondness for war and the chase, and oratory at their councils, constitute their leading traits, because these afford the highest distinction. When, through the influence of culture and education, their taste upon these subjects shall be changed, and the character of an industrious agriculturist be held in higher estimation than dexterity of pursuit in the chase, then may they be expected to resort to industry, and give attention to the duties of agriculture. Indisposition to manual labor, so peculiarly the characteristic of an Indian, causes him to select the poorest grounds, because of the ease with which the timber is felled and cleared away. The exceptions which exist to this are principally amongst those of mixed Indian blood, whose habits have been improved, and whose minds have been cultivated.

There are three divisions in the Choctaw nation, each of which is governed by a chief, who, within his limits, acts independently of the others. In his government he is aided by minor and subordinate chiefs, called Captains, each of whom act within his particular district. The people are subordinate to the captains—the captains to the chiefs. One of these divisions composes what is called the Christian District, the chief of which is a man of good mind, with a common English education, and is religious. His people, too, are seemingly pious. —Each night, pending the negociation, until a late hour, they were at their exercises, singing and preaching. From every information, this Christian party, as it is termed, are not accurately and correctly informed as to the principles and faith upon which they profess to act. A future state of rewards and punishments, for virtues or for crimes, is fashioned by their standard of savage life, and its enjoyments, and, in their imagination, is made to conform to what they conceive to be essential to constitute happiness or misery here. Judging from their devotional conduct, they are, to all appearances, a religious people. Certainly there are some perceptible and beneficial changes amongst them. They have become mostly an agricultural people. The practice of perforating the nose and ears for the purpose of ornamenting them, is rapidly disappearing, and considered a rude custom. Vermillion paint, to ornament and decorate the face, is, in a great measure, given up. A credulity in supernatural agency, in witches, and in witchcraft, in fast yielding; and the use of ardent spirits, particularly in one of the districts, is in a great measure abandoned. A reasonable hope may be entertained, that these people may in time prove that the zeal and efforts of the Government to protect and civilize them, are not improperly bestowed.

In concluding a treaty with those people, candor and fairness were the only means resorted to by the Commissioners. They were given to understand distinctly, that, in coming to visit them at their solicitation, and at their homes, no design was entertained beyond communicating to them a knowledge of their true condition, and submitting to their judgement the course of policy by them to be pursued. We told them the opinion entertained by the Government as to the authority of Mississippi to extend over them her laws; and that the United States possessed not the power to prevent it. The interviews had with them were in open council, where were present the chiefs and warriors, and some of our own citizens. Arguments addressed to their judgements were the means employed. No threat was used; no intimidation attempted Under these circumstances a treaty was concluded and signed, more than 5 000 Indians being in attendance at the time. Amongst them was great apparent unanimity Some did object and were dissatisfied, but not as it regarded the general policy of treating; but because they believed themselves entitled to obtain, and were solicitous to procure large reservations. The number thus influenced was small. Since that time, active efforts have been made in the nation to induce dissatisfaction amongst the Indians and to persuade them that they had been greatly deceived and imposed upon.

An old chief (Muchulatubbee,) who was favourable to the treaty, by a few of the discontented of his district, has been recently deposed, and the name of another sent to this office to receive recognition. The design is probably to show that the people are displessed because he signed the treaty. The answer returned to their application was, that while the Government meant not to interfere with their mode or manner of self-government, it could not recognize, what had been done by a few; yet, when a chief should be chosen by a majority of the division, and the fact so certified by their General Council, he would be regarded as properly chosen, and be considered as such. An examination of this treaty will clearly show, I think, that justice and liberality have been regarded. The great majority of the nation were satisfied when we left them; and from information since received, yet continue to be satisfied. Their anxious desire is, to get to a country under the protection of the United States, where they can be free from any liability to State laws; and be able to dwell in peace under their own customs.

The Commissioners appointed to further the execution of the treaty of Butte des Morts have discharged the trust confided to them, and have made their report. The misunderstanding between the N York and Green Bay Indians has been examined and adjusted; the report to be confirmed, only requires your approval, agreeably to the second article of that treaty.

Very respectfully,

JOHN H. EATON.

PENNSYLVANIA.—The Message of the Governor of Pennsylvania was communicated to the Legislature on the 8th inst. It is a document of such length (occupying seven columns of the Pennsylvania Reporter,) as necessarily to exclude it in detail from the limits of our journal. In conformity therefore with our general plan of giving an abstract of like documents, (the labour of which is much increased, we must remark, by the unnecessary wordiness of the greater portion of these communications,) we shall present in a brief compass the most important particulars of the Message.—The very extensive operations of internal improvement going on in Pennsylvania, together with other causes arising out of her proximity, render the communications of her Executive very interesting to the people of Maryland, especially of Baltimore.

The Message, after noticing the flourishing condition of the Union generally, states that Pennsylvania herself was never more prosperous. Her whole territory presents the aspect of wealth, comfort, happiness and industry, arising out of the diversified blessings of agriculture, commerce, manufactures, and mineral wealth. The protective policy adopted by the General Government is productive, says the Message, of such happy effects on Pennsylvania, that she cannot consent to its abandonment, as either she must suffer her surplus produce to perish on her hands, or establish a home market for its consumption. Under the existing policy, her manufactures are becoming vigorous, and promise to attain the ends designed by the advocates of the protective system.—Though herself extensively engaged in works of internal improvement, she advocates also the constitutional right of the General Government to construct works of a national character, in order to multiply the facilities of intercourse in the territory of so extensive a Union.

In bringing again the subject of Education before the Legislature, the Governor admits the difficulty of devising an entirely satisfactory system. At the same time, the imperious necessity of providing one of some sort is demonstrated by the ascertained fact, that out of 400,000 children in the State between the ages of five and fifteen, more than 250,000 capable of receiving instruction were not within a school the last year. It need not be insisted on, how much talent and moral force have thus been lost to the Commonwealth. The Judiciary, likewise, requires a radical change and thorough reorganization, being inadequate, at this moment, either to the adjudication of private rights, or the due repression of crime. The Revision of the Civil Code is in active progress.

The sum of $4,000,000 authorized to be borrowed from the Bank of Pennsylvania by the act of the 13th of March last, has been received and applied, so far as appropriated, to the proper objects. Of this sum $1,109,111 have been applied to extinguishing the balance of the temporary loan obtained under the authority of the act of the 22nd of April, 1829; of that obtained in virtue of the resolution of the board of Canal Commissionrs of the 3rd of October; and of the loan of one million of dollars, authorized by the act of the 17th of November, of the same year. The commissioners of the internal improvement fund have set apart $487,034, under the provision of the act of the 2nd of April last, for the repayment of the several loans obtained from the banks of the Commonwealth in virtue of the act of the 7th of December last. To canal and rail-road purposes, and to aid in defraying the incidental expenses, $2 350 420 were applied, as directed by the act of 27th of March last. The residue, $53,433 is at the disposal of the Legislature, and is recommended to be appropriated to the fund for canals and rail-roads.

By the act of 27th of March last, the canal commissioners were directed to complete, as far as practicable, within the present year, all the contracts already made on lines of canal and rail-road, and to make new contracts for any new line except for the erection of a dam at Johnstown, and for such works as were necessary thence to section 57 on the Ligonier line, (3 miles distance) for the purpose of introducing water into the Ligonier line of the western division of the canal. The commissioners have so far succeeded, that out of 426 miles of canal, (the whole extent contracted for,) the water has been admitted to the extent of 406 miles, and the remaining 20 miles will almost certainly be ready for navigation in January. Thus, with the 302 miles belonging to private companies, already in operation, Pennsylvania will in the spring present an inland canal of 728 miles. The grading, bridging, and preparing the railway bed, for the 40 miles which had been put under contract between Columbia and Philadelphia will also be finished in January for the reception of the rails; which added to 81 miles of rail road in operation, belonging to private companies, will make 121 miles of rail-road.

The whole cost of the canals and Rail-road thus contracted for, and nearly completed, under the authority of the State, including damages as far as paid, and the repairs to the 1st January, 1831, will amount to $10.800 000. The sum actually paid over to the treasurer of the board of canal commissioners is $10,288,163, leaving a deficiency to be provided for by the legislature, to meet the demands of the contractors, of $511,836, of which the unappropriated balance before mentioned of the loan of 4 millions, will furnish $53 433. In mentioning all the above amounts, we have rejected the fractions. The Bank of Pennsylvania is bound by the act of 13th March last, to loan annually to the State $1,000,000, for three years, at 5 per cent. Resort, therefore, may be had to the bank, or the loan be negociated elsewhere, as may be expedient.

The Governor remarks that, whatever may have been the policy which engaged the State at once in a scheme so extensive, her faith is now pledged to finish it, and to complete the line of communication between the east and the west, so as to render what has been already done, available to any profitable purpose.

The connecting links necessary to this object are, the Rail-road from Columbia to Philadelphia, 81 miles, of which 40 have been completed; the remaining 41 are not yet under contract: About 5 miles of canal between Middletown and Marietta, including an aqueduct over the Swatara: About 40 miles of canal and slack-water navigation from Huntingdon to Hollidaysburg, in Huntingdon county: And a macadamized road or rail road over the Alleghany mountain, 33 miles in length: The aggregate cost of all which, supposing the rail-way to be adopted for the passage of the Alleghany, will be two millions and a half, or at most three millions of dollars. The canals have stopped short at points inconveniently distant from the mines of coal; and as one of their principal objects was to bring this valuable mineral to market, such extensions of them are recommended as may effect this object. Meanwhile, no other works should be contracted for or authorised.

The finances of the State have never been more prosperous, being not only ample to defray the current expenses, but yielding a surplus for the payment of interest on the sums borrowed for the public works. The balance in the treasury on the 30th of November was $243,856, of which $94 425 were transferred the same day into the internal improvement fund, leaving an actual balance in the treasury of $149,430 —The receipts into the treasury for the year ending 30th November were $624 414, being an excess over those of the previous year, of $25 315. The premium of $220,000 paid by the bank of Pennsylvania, on the loan of four millions of dollars, under the provisions of the act of the 13th of March last, has so far aided the fund theretofore set apart for the payment of the interest on loans, as to enable the commissioners of the internal improvement fund, to discharge the interest which became due on the 1st of August last, and to leave a balance in the hands of the treasurer of that fund, applicable to the payment of the interest which will become due on the same account on the 1st of February, 1831, of $148,324 and 42 cents. The excess of revenue over the expenditures for the months of December and January, will authorize a transfer from the treasury into the internal improvement fund, of a sum in addition to the above mentioned balance, sufficient to meet the interest which will become due on loans at the above mentioned date.

To meet the interest due on the 1st August next, the balance in the treasury will be $107,000 arising from the ordinary sources of revenue, from canal tolls $50 000, in all $157,000, of which $100,000 may be applied to the payment of interest, and the remainder, with the usual accessions of ordinary revenue, will be sufficient for the current expenses of government. There will then be a deficiency in the fund for payment of interest on loans, on 1st August next, of $200,000, to be provided for. The Governor still recommends the tax on coal as a part of the taxation requisite in this condition of the State finances.

He recommends to the legislature the establishment of an inspection of tabacco in Philadelphia, as prayed in a petition of sundry citizens of Maryland. [Bal. Am.

21ST. CONGRESS.

SECOND SESSION.

IN SENATE.

THURSDAY, Dec. 9.

In the Senate, yesterday, little business of importance was transacted. After the presentation of a few petitions by Messrs. Barton and Hendricks, and the organization of a committee to take into consideration the subject of our current coins, the Senate went into Executive business. When the doors were opened Messrs. Ellis of Mississippi, and Kane of Illinois, offered resolutions of condolence for the death of their late colleagues, the Hon Robert H. Adams and the Hon. John M'Lean, accompanied by some very eloquent and highly complimentary remarks on the character and qualifications of the deceased gentlemen. The resolutions were unanimously adopted, and, as an additional mark of respect for the memory of the late Senators, the Senate resolved to adjourn over till Monday next.

In the House of Representatives, Mr. Hoffman submitted a series of resolutions in a Committee of the Whole on the state of the Union, Mr. Wickliffe in the Chair, referring the various subjects, contained in the President's Message, to the usual committees. To the one which proposed to refer the subject of the U. S. Bank to the Committee of Ways and Means, Mr. Wayne moved an amendment that it be submitted to a Select Committee. An interesting discussion arose out of this motion, both in the Committee of the Whole and afterwards in the House, in which Messrs. Wayne, Hoffman, Taylor, Davis, of S. Carolina, and Cambreleng took part. The proposition was ultimately negatived, on a division by yeas and nays, by a vote of 108 to 67. [Telegraph.

FRIDAY, Dec. 10.

The Senate did not sit to-day.

Mr. Johnson, of Kentucky, rose and said that three years had elapsed since Congress had passed any law for establishing post roads. A bill was reported at the last session of Congress 'to establish certain post roads, and to alter and discontinue others;' which bill was referred to a Committee of the Whole, but was not finally acted upon. With a view to acting upon that bill at an early day, he wished to have it taken out of its regular order; and he therefore moved that the Committee of the Whole to which it was now referred, be discharged from the further consideration of the subject.

The motion was agreed to.

Mr. J. then moved that the bill be referred to a committee of the Whole House and made the order of the day for Thursday next: also agreed to.

Mr. Mercer submitted the following resolution, which was agreed to:

Resolved, That the memorial of the Chesapeake and Ohio Canal Company, requesting a subscription from the United States to the western section of the said Canal, which was referred to the Committee on Roads and Canals, at the last Session of the present Congress, be again referred to the Committee on Roads and Canals.

On motion of Mr. Buchanan, in order to give time for the House to making the preliminary arrangements for the trial of Judge Peck, which commences in the Senate Chamber at 12 o'clock on Monday next, the House agreed to meet at 11 o'clock on that day.

And then the House adjourned.

The following Committees were announced this day to have been appointed by the Speaker, in pursuance of the resolution of yesterday:

STANDING COMMITTEES.

Of Elections—Messrs. Alston, Tucker, Claiborne, Randolph, Johnson, of Tenn., Buchanan, and Coleman.

On Claims—Messrs. Whittlesey, Williams, M'Coy, Barber, of Conn. M'Intyre, Ramsey, and Lea.

Of Commerce—Messrs. Cambreleng, Gorham, Harvey, Sutherland, Howard Loyall, and Lamar.

On the Public Lands—Messrs. Wickliffe, Jennings, Duncan, Hunt, Potter, Irvin of Ohio, and Clay.

On the Post Office and Post Roads—Messrs. Johnson, of Kentucky, Conner, Magee, Hodges, Russell, M'Creery, and Lent.

On the District of Columbia—Messrs. Powers, Allen, Washington, Varnum, Tahaferro, Ihrie, and Semmes.

On the Judiciary—Messrs. Buchanan, Davis, of S. Carolina Ellsworth, Daniel, White of Louisiana, Foster, and Gordon.

On Revolutionary Claims—Messrs. Burges, Dickinson, Wingate, Yancey, De Witt, Brown, and Crane.

Of Public Expenditures—Messrs. Hall, Davenport, Lyon, Halsey, Spencer, of Md. Thompson, of Ohio, and Norton.

On Private Land Claims—Messrs. Sterigere, Nuckolls, Pettis, Baylor, Denny, Dudley, and Draper.

Of Manufactures—Messrs. Mallary, Stanberry, Conduct, Irvin, of Penn. Monell, Barbour of Virginia, and Huntington.

Of Agriculture—Messrs. Spencer, of N. York, Roane, Wilson, Rose, Smith, of Pa. Standifer, and Chandler.

On Indian Affairs—Messrs. Bell, Lumpkin, Hinds, Storrs, of Conn. Hubbard, Gaither, and Lewis.

On Military Affairs—Messrs. Drayton, Vance, Desha, Findlay, Blair, of S. C. Mitchell, and Speight.

On Naval Affairs—Messrs. Hoffman, Crowninshield, Miller, Carson, Dorsey, White, of N. Y. and Anderson.

On Foreign Affairs—Messrs. Archer, Everett, of Mass. Taylor, Polk, Crawford, Barnwell, and Wayne.

On the Territories—Messrs. Clark, Strong, Creighton, Armstrong, Angel, Cowles and W. B. Shepard

On Military Pensions—Messrs. Trezvant, Lecompte, Chilton, Hammons, Bockee, Ford, and Butman.

On Revisal and Unfinished Business—Messrs. Pearce, Reed, and Pierson.

On Accounts—Messrs. Maxwell of New York, Swann, and Brodhead.

SELECT COMMITTEES.

On Internal Improvement—Messrs. Hemphill, Mercer, Blair of Tenn. Haynes, Letcher, Vinton, and Craig.

Distribution of the Surplus Revenue—Messrs Polk, Patton, Fry, Earll, Jarvis, Leavitt, and Evans of Maine.

Amendment to the Constitution—Messrs. M'Duffie, Coke, Sandford, Stephens, Hughes, Green, and Rencher.

MONDAY, Dec. 13.

Mr. Sandford presented a memorial from the passed Midshipmen in the Navy of the U. States, complaining of the insufficiency of their pay, and praying for an increase of the same. The memorial was referred to the Committee on Naval Affairs.

Mr. Chambers presented a memorial from sundry persons claiming indemnity for French spoliations. It was referred to a Select Committee, consisting of Mr. Livingston, Mr. Chambers, Mr. Silsbee, Mr. Sandford, and Mr. Holmes.

IMPEACHMENT OF JUDGE PECK.

A message was received from House of Representatives, announcing the adoption by that House of a replication to the answer and plea of Judge Peck to the article of impeachment exhibited against him by them.

At twelve o'clock, the Court of Impeachment for the trial of Judge Peck, of Missouri, was opened in due form by proclamation from the Marshal of the District of Columbia. The Senators were ranged on two sets of benches, covered with green cloth, to the right and left of the Chair occupied by the President of the Senate.

On motion of Mr. Woodbury, the Secretary was ordered to inform the House of Representatives, that the Senate had organized itself into a Court of Impeachment for the trial of James H. Peck, Judge of the District Court of the United States for the District of Missouri, and were ready to proceed to the trial, and that seats had been prepared for the reception and accommodation of the Members of the House of Representatives on the occasion. [These seats consist of benches covered with green cloth, regularly arranged in a semi-circular form in the body of the Senate Chamber, representing an uniform and handsome appearance.]

Shortly after the order was passed, the respondent, accompanied by Mr. Wirt, and Mr. Meredith, his counsel, appeared at the bar of the Senate. They were conducted to seats, with a table before them prepared for their convenience, nearly fronting the Chair, but rather to its left.

In a few minutes, Mr. Buchanan, Mr. McDuffie, Mr. Spencer, and Mr. Wickliffe, managers to conduct the impeachment on the part of the House of Representatives, also came in, and took their seats to the right of the Chair, but nearly in front, Mr. Storrs, the other manager, did not appear.

Mr. Buchanan rose and said, that the managers on the part of the House of Representatives were ready to present the replication of that house, to the answer and plea of James H. Peck, Judge of the District Court of the U. S. for the District of Missouri, to the articles of impeachment exhibited against him by that body. The honorable gentleman then read the replication as follows:

'The House of Representatives of the United States, having considered the answer and plea of James H. Peck, Judge of the District Court of the United States for the District of Missouri, to the article of impeachment against him, by them exhibited, in the name of themselves, and of all the People of the United States, reply, that the said James H. Peck is guilty, in such manner as he stands impeached; and that the House of Representatives will be ready to prove their charges against him, at such convenient time and place as shall be appointed for that purpose.

Mr. Buchanan then, on behalf of the managers, requested the names of the witnesses on the part of the House of Representatives to be called. The Secretary accordingly called them; most of them answered the call—two or three proved to be absent.

Mr. Buchanan, in answer to an inquiry from the Chair, whether the managers were ready to proceed with the trial, said that it had been their anxious wish to proceed this morning; but that an unexpected accident would prevent it. Mr. Hempstead a material witness, had, in travelling through New Jersey, had his collar bone broken. In attempting to remove him, it had again been broken. He was now, however, in Philadelphia under medical care, and would be able in a few days to come on. Another reason for a postponement was, the absence of one of the managers, (Mr. Storrs,) who was expected to-morrow. By Wednesday, he thought, they would be ready for trial. They did not expect the arrival of Mr. Hempstead by that day; but the examination of the other witnesses, and other proceedings would occupy two or three days; and by that time Mr. Hempstead would probably arrive.

Mr. Meredith, one of the counsel of the respondent desired that the list of witnesses on his behalf might be called, in order that it might be ascertained whether they were present. They were accordingly called; but only a part answered to their names.

The President inquired whether the respondent had any objection to the proposed postponement of the trial until Wednesday?

Mr. Meredith rose, and replied that the counsel for the respondent had no objection to the postponement. Whether they would be ready for the trial by Wednesday, would depend on a matter which he would, at this time, take the liberty to mention to this honorable Court. After the adjournment of the Court at the last session, the respondent found that three witnesses, whom he deemed material to his defence, had been elected to the legislature of Missouri. Process, however, had been served upon them before they were elected.

They were subsequently of opinion that they could not attend here, because they considered their legislative duties as paramount to their duty as witnesses. Two of them were members of the Senate of Missouri, and the third a member of the House of Representatives The Legislature were to assemble in November, and would probably not adjourn till January. The respondent then addressed a memorial to the Governor of that State, stating the circumstances of the case, and the materiality of the testimony of the witnesses who were members of the legislature; and he asked the Governor to convene the Legislature earlier than the usual period, in order that these members might, in good time, be enabled to perform the double duty of legislators and witnesses. The Governor declined a compliance with this request. The respondent addressed a second memorial to the Governor and received a second refusal. As the only alternative left him, he then procured their depositions. Mr. Lawless was present when they were taken before a Judge of the State of Missouri and enjoyed the privilege of cross examining The depositions were now in the possession of the Secretary of this honorable court. The counsel for the respondent as far as depended on them, were ready to proceed to the trial, if the managers on the part of the House would consent that those depositions should be received and read as evidence. Mr. Meredith cited a precedent to show that this course with the consent of both parties, could be pursued. If the managers would not agree to let the depositions be read as evidence, he should then have another motion to make which it would be time enough to mention after their decision should be ascertained.

Mr. Spencer considered the excuse of the respondent for the non attendance of the witnesses in question as unsatisfactory. Their duty as witnesses in this court, was paramount to their duty as members of the Legislature of Missouri. Waiving this objection, however, the managers on the part of the House would say to the counsel for the respondent, that if they would give them an opportunity to examine the depositions, they would then decide whether they could be received, and read as evidence; and if they could be so received, the managers should be willing to dispense with the personal attendance of the witnesses. It required the production of no precedent to decide, whether, with the consent of parties, a deposition could be received as evidence.—That was a matter of course.

The counsel for the respondent assented to the proposition of the managers.

Mr. Meredith said, he had been mistaken a The depositions were still in the hands of the Judge before whom they were taken, and who was here as a witness.

Judge Carr was then called and sworn. He testified that the depositions which he had just handed to the Secretary, had been taken before him, as judge of the third judicial circuit of Missouri. Both parties were present when they were taken. He had then sealed them up, and they had been in his possession until this time.

Mr. Meredith said that the counsel for the respondent would want copies of two of the depositions.

Mr. Spencer suggested, that if copies of the depositions were to be taken, it would probably be necessary to adjourn the Court till Monday next.

The Secretary was ordered to furnish copies of the depositions to both parties.

On motion of Mr. King, of Alabama, the Secretary was then directed to inform the House of Representatives, that the Court for the Trial of the Impeachment of Judge Peck had adjourned until Monday next, at twelve o'clock, when they would be ready to proceed further with the Trial.

The Senate then adjourned till to-morrow.

TUESDAY, Dec. 14.

On motion of Mr. Dickerson, the following resolution was adopted, and the committee to whom it was referred consists of Messrs. Dickerson, Sandford, Woodbury, Seymour, and Grundy.

Resolved, That so much of the President's Message as relates to the distribution of the surplus funds of the United States, after the payment of the national debt, be referred to a Select Committee, to consist of five members, and to report thereon by bill or otherwise.

Mr. Benton introduced a bill to authorize the mounting and equipment of a part of the army not exceeding ten companies; which was ordered to a second reading.

CHAPLAIN.

The Senate elected the Rev. Henry Van Dyke Johns, to be their Chaplain for the current session.

The Senate spent some time in the consideration of Executive business;

And then adjourned.

WASHINGTON, N. C. Nov. 27.

Mr. Robert Fetman, chief mate of the schr. James G. Stacy, (which sailed hence a few days since for New York,) after attempting to shoot some sea birds, while descending the companion way with his loaded musket, it was by some unknown accident fired, and the whole contents discharged in his head which was most shockingly mangled, killing him instantaneously.

From the Philad. Inquirer, Dec. 9.

We understand that after the President's message arrived yesterday, one hundred shares United States bank stock were sold at 125 dollars per share.

This depreciation is surely premature; no sort of danger is to be apprehended. The holders of the stock should beware of the tricks of the trade.'

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