EXTRACT FROM MR. LEIGH'S LETTER,

To the Virginia Legislature.

Mr. Leigh commences by declaring that "he adheres to the doctrine of the right of instruction as laid down in the resolutions of the General Assembly of February 1812, taken in the plain and obvious sense, and in the full extent in which it is there expressed."

He then proceeds to an examination of the circumstances under which he voted for the resolution now sought to be expunged, which vote he was required to give by a resolution of the legislature by which he was elected. He then proceeds:

It cannot escape observation, that, while the General Assembly instructs me to expunge the resolution of the Senate, which I voted for in conformity with the instructions of the Assembly of 1833—'4 the present Assembly has not expunged the resolutions of the former Assembly. And though (if I am rightly informed) a proposition has been made to rescind the former resolutions, even that proposition has not yet been acted on. So that I am to understand that the General Assembly is instructing me to do, in respect to a former resolution of the Senate, that which it will not do itself, in respect to resolutions passed at a former session of its own body. I must bespeak pardon for remarking, further, that, though proceedings have been had in Congress, and some laws have been passed violating, in the opinion of the General Assembly, the dearest rights of the People—take, for example, the sedition laws and though too, many laws have been passed by the Federal Legislature, which, in the opinion of the General assembly, transcended its constitutional power, and encroached on the rights of the States; yet it has never heretofore, occurred to the General Assembly in any case, or at any time, to assert and vindicate the rights of the people or the rights of the States, against such assumptions of power by Congress, by an expunction (literal or typical) of the obnoxious proceedings from the Journals of the two Houses. And now, for the first time, when a simple resolution of the Senate is supposed (by some unaccountable misconception of its import and intention) to encroach upon the rights of the national branch of the Federal Legislature, which, probably, has not perceived, and certainly has not complained of, the encroachment—or (to speak plainly) when the Senate has presumed to question the rights and powers claimed for the Executive Department by the President, who alone has complained and protested against its proceedings—I see the General Assembly of Virginia coming forward to vindicate the rights and powers claimed by the President, by this process of expunction, which it has never thought of resorting to for the vindication either of the rights of the People, or the rights of the States. I mention these strange contrasts, because they have raised the gloomiest apprehensions, in my mind, of approaching danger to our republican institutions, and because those apprehensions have had an important influence in determining my judgement and my conduct, under the extraordinary instructions which the General Assembly has thought proper to give me.

The General Assembly can have no reason to doubt and, I am quite sure, does not doubt, that I voted for the resolution of the Senate which it condemns as unconstitutional and mischevous, under a sincere conviction that it was constitutional, wise, and even necessary to assert and vindicate the authority of the laws; neither can it doubt that this is still my opinion yet, without designing to suggest any reason to enlighten and convince my understanding, the General Assembly gives me a peremptory instruction to propose and vote for the expunction of this resolution from the journal of the State; and it insists that I must obey its will and command—or resign my office. It instructs me to vote to expunge from the journal that which it knows, as well as I do, is there truly recorded; it instructs me to deface, and in a manner, to falsify, a public record, which it knows the Constitution explicity requires the Senate to keep; and (to remove my scruples) it prescribes the expunction of the resolution from the journal, figuratively and typically, in such a manner as can only serve to elude the positve injunction of the Constitution, and to signalize the humiliation and disgrace of the Senate, without at all affecting the historical evidence of the fact; it instructs me to do this—or resign.

It instructs me so to expunge, as NOT to expunge, the resolution: it requires of me, in a word, a jesuitical equivocation with my oath and conscience; and (considering the knowledge it must have of the opinions I entertain) it commands me to incur dishonor, shame, and guilt, or resign. It requires me, in effect to give my recorded sanction to the prerogatives claimed by the President, in his memorable protest against the proceeding of the Senate, and to the limitations he thinks proper to set upon the rights, powers, and privileges of this body: well knowing the opinions I have avowed on the questions of constitutional right, and I hope, not doubting their sincerity, the General Assembly commands me to inflict this (in my sense of things) vital blow upon the Constitution of my country—or resign.

I cannot shut my eyes against the truth—plain and glaring upon the very face of the transaction—that such instructions were not given me, with any expectation, or view, or perhaps even wish, that I should yield obedience to them. There is, in truth, no choice between the alternative proposed to me; and I believe, most undoubtingly, that it was not designed to leave me any choice; that the real and the only purpose of the instructions was to compel me to resign—"to instruct me out of my seat." Indeed, it seems to me that this design is almost avowed in the preamble and resolutions you have transmitted to me. For the preamble recites, as a motive for the proceeding, that "the Assembly deem it *their solemn duty* again to reassert the duty of the representatives, to *obey* or *resign*;" and then, after giving me an instruction which the Assembly knew that I could not *obey* without crime and foul disgrace, it resolves—"that it is the *duty* of the representative to *obey* the instructions of his constituents, or to resign the trust with which they clothed him, in order that it may be transferred it to the hands of those who will carry into execution the wishes and instructions of the constituent body."

[Mr. Leigh then goes on to explain his reasons for declining to resign his seat at present]

If the General Assembly had any object at heart, pursued directly for its own value, and not as a means of accomplishing, by indirection, other objects, plainly unjust and unconstitutional,—and should give me an instruction to use my endeavors, in my official station, to promote its views—an instruction, which it believed I could conscientiously obey—an instruction framed with no design to force me to a resignation; and if in such a case, I should think the end aimed at unconstitutional, and should be, therefore, unwilling to be an active agent in accomplishing it; the case would be a very strong one indeed, and attended with very peculiar circumstances, in which I would reluctantly resign, and stand as an obstruction to the accomplishment of the measure desired. But regarding the present instruction as mainly directed to the purpose of forcing me "to resign the trust with which" the General Assembly "has clothed me, in order that it may be transferred into the hands of those who will carry into execution the wishes and instructions of the constituent body"—which wishes and instructions I think plainly contrary to the letter & spirit of the Constitution; and deeply convinced as I am, that my resignation would more vitally affect the integrity of the Constitution, than even an implicit obedience to the instruction, I have, therefore come to a resolution, that I cannot, ought not, and will not resign.

I pray the General Assembly to accompany me for a brief space, and to accompany me with patience, in a consideration of the practical consequences of the precedent, and of the doctrine, (for precedent will soon grow into doctrine) which it proposes to establish; namely, that the State Legislatures may give instructions to their Senators in Congress, which they believe they cannot obey without conscious dishonor and crime, and therefore will not obey, in order to force them to the alternative of resignation.

The unavoidable effect will be, to change the tenure of the Senatorial office from a term of six years, which the Constitution has ordained, to a tenure during the pleasure of the respective State Legislatures that elect them; to make the Senate, which was plainly designed, and that for the obvious purposes, to be the most permanent body in the Government, in effect and in practice, the most fluctuating, transient, and unstable.

The Senate, constructed on the federative principle, to represent the sovereignties of the States which, from the nature of sovereignty, are co-equal, is so essential to their existence and preservation, that if the Senate were abolished from the system—the other branches of the Government, both of which are national in their character, remaining in full force—it is hard to imagine how the State Governments, or any thing more than the forms of them, could long endure. And whatever tends to diminish the weight of the Senate in the system, must tend to impair, in exactly the same proportion, the State sovereignties themselves, and to a general consolidation of them all into one empire. The federative Senate representing the States, was designed as the balance of the system—as a check on the popular branch of the Legislature, and on the Executive, both of which are almost entirely national in their Constitution—and in matters of important and permanent interest, it is a check that can very rarely operate for a longer time than may suffice to mature the judgement of the People on sober dispassionate reflection. The Senate cannot, if it would, counteract the permanent will, the deliberate settled judgment of the nation.

The House of Representatives, elected for two years, representing the People immediately, and therefore more exactly representing their opinions and wishes for the time being, and more apt also to represent their passions, is in that way, endued with a power and influence, which the shortness of its term of office hardly suffices to countervail. The President elected for four years clothed with all the powers necessary for the Executive of a Government charged with the foreign relations of the nation, with his veto on the acts of the Legislature, and the whole patronage of Government in his hands, is far more than the equal in power of either branch of the Legislature, and, in the opinion of many, more powerful than both combined. His very unity is a principle of strength.

The only means of making the Senate coordinate with the other departments, was that which has been resorted to; namely, to make it more permanent: and hence it was that the Senatorial terms of office was made three times as long as that of the Representatives, and half as long again as that of the President. If the Senatorial term of office be reduced, the power of its check on the national branches of the Government will be proportionally impaired; if it be made to depend on the pleasure of the State Legislatures, the check will be almost annihilated; and the State sovereignties must share its fate, and be impaired or annihilated with it. To me, therefore, it seems that the State Governments would commit an imprudent act if they should consent to shorten the term of the Senatorial office: and a suicidal one if they should establish the principle, in theory or in practice, that their Senators shall hold their offices only during pleasure.

[Mr. Leigh here adverts to the doctrine contained in the preamble and resolutions in procuring the adoption of which he was instrumental.]

The resolution, then, which are the conclusions resulting from the reasoning of the preamble, expressly declare that the instructions which the State Legislatures have a right to give their Senators in Congress, and which it is the bounded duty of the Senators to obey, are such only as require not the Senator to commit a violation of the Constitution, or an act of moral turpitude. And it is expressly stated, in the preamble, "that if a State instructs its Senators to give a vote plainly unconstitutional" the Senator is not bound to obey such instruction—that every case of the kind "must stand on its own peculiar circumstances"—and that the propriety of opposition must be determined by the nature of the injustice, the extent of the mischief, and the prudence of resistance. The alternative here proposed to the Senator is not *obedience or resignation*, but *obedience or resistance*; to be determined by the considerations by which all resistance to the authority of Government must ever be determined.

If an instruction were given me to vote for a measure of no very material consequence—a measure, which, if adopted, would not lead to any serious permanent evil—and yet I could not, for reasons of any kind, conscientiously vote for the proposed measure—in such a case, I might very properly, and should, without hesitation, resort to a resignation, in order to evade the painful alternative of obedience or resistance. Or, if an instruction were given me, which I could not obey without violence to my conscience, and the "peculiar circumstances" of the case should nevertheless be such, that my resignation would be attended with far less of evil than the accomplishment of the object of the instruction, and would not be itself a source of equal or greater evil; in such a case as this too, I might, consistently with my sense of duty, and very gladly should disembarrass myself of the alternative of obedience or resistance, by a resignation. In truth resignation is a *privilege* not a *duty*—a privilege allowed the Senator by which he may wholly avoid the alternative of obedience or resistance, as expounded in the preamble and resolutions, of February, 1812.

Here, the General Assembly has instructed me to do that which, in my judgment and conscience, would be a crime, and of course IN ME, an act of moral turpitude: I cannot obey without crime; and, in my opinion, formed upon long and anxious deliberation, resignation would inflict a more vital blow on the Constitution, because it would be followed by far more serious and mischievous consequence to both the Federal and the State Government, than a literal obedience to the instruction. The alternative is, then, forced upon me of obedience or resistance; an alternative which would be painful enough in itself, and is rendered doubly so to me, by considerations which I shall mention in the sequel.

He that would judge my conduct fairly should suppose himself in my situation, and bring home to his own bosom the opinions I entertain, and the motives by which I am actuated. If the views I have unfolded, as to the nature of the instruction that has been given to me, the real object at which it was aimed, the turpitude and criminality which entertaining the sentiments I do, I should incur by yielding obedience to it, and the impossibility of resigning without giving my aid to a dangerous innovation on the Constitution, be not wholly groundless, then I apprehend there is no man who can think that "the nature of the injustice and the extent of the mischief" do not justify and call for resistance.

I have understood it has been supposed that all the moral responsibility rests on the constituent body, and the senator is relieved from any portion of it; that it is the province of the constituent to judge and command, and his to believe and obey. Can it be really thought that the official oath of a Senator to support the Constitution of the United States is subject to an exception which exempts him from the duty of supporting it against infringements attempted by the State Legislature that has elected him? that the Senator may and ought to take the oath with a mental reservation, that he will support the Constitution, unless he shall be commanded by the constituent body to violate it? Surely the General Assembly is not going to give its high sanction to doctrines of this kind, which would sap the foundations of all public virtue.

The truth is, that in all contests between those who exercise authority and those over whom it is exercised, as to the rightful exercise of such authority—as to the duty of obedience or the right of resistance—both parties must in the nature of things, judge for themselves; and the only difference between them is, that the party resisting power resists at his peril; which alone suffices, in general to determine him against resistance except in extreme cases. To say that those who hold power have the sole right to exercise judgment, and that those over whom power is exercised have no right to judge for themselves whether they are oppressed or not, were to affirm the very doctrine of passive obedience and non-resistance maintained by the University of Oxford in the reign of James II. The commands of the constituent Legislature cannot justify, or even excuse, the Senator, in a palpable violation of the Constitution, or in an act of moral turpitude. The servant, nay, even the slave is not bound to obey, and more, is not excusable for obeying, the unlawful commands of his master.

Some remarks are here made as to "the prudence of resistance" which are concluded as follows:—

I see from the vote of the two Houses of the General Assembly on the second of the resolutions transmitted to me, that most of my friends approved the principle therein declared that it is the duty of the senator to obey, implicitly obey instruction of the State Legislature or resign. All these will, of course, disapprove the resolution I have taken; this is omnious, probably decisive, of the destiny that awaits me. In all likelihood, before the heats that now inflame the public mind shall be extinguished, I shall attain a station which will render me unfit for any active public service. I have the clearest perception of all those consequences. But I hope I shall be pardoned for saying, that I cannot, and will not do what I think wrong in principle, and mischievious, fatal in its effects, to comply with the wishes of my friends, and to retain their approbation and support any more than to avert or escape from the rage of my enemies. I do not pretend to be insensible to popularity, especially to the favor of my native S. but, if I know myself, my love of popularity has its source rather in my own attachment to the People, than in the hope or desire of any rewards they can bestow; and I would not betray what I think the interests of Virginia to gain her favor, dear as it is to me. I care for no fame but that which I have little prospect of obtaining the renown of good and useful deeds, which survives the author of them.

He announces his intention to resign his seat at the commencement of the next session of the Assembly—and concludes as follows:

I have only to add that, as to the merits of the resolution of the Senate of the 20th of March, 1834, which the General Assembly condemns, both in respect to the truth of the proposition it contains, and the right to act upon the subject—these are points which ought properly to be discussed in the Senate; and that I shall endeavor to vindicate the resolution in both aspects, if and whenever, it shall be brought under consideration.

From the Baltimore Reformer.

Report of the Indemnity Committee.

The Farce of going through an examination of witnesses, *selected* by one side of the question, without a hearing of evidence on the part of the city, to determine the minds of the *select* committee, was finished last week, and as we expected, from the very *select* members of the committee, reported in favor of Indemnity. The tenor of the report is a general censure on our citizens and an evident desire to gratify the feeling of hostility, which pervades some little minds, from little portions of the State. There is one passage however, we accord with, viz: "that had provision been made by the State, for redress through the Courts of Justice, to every citizen for injuries sustained through the delinquency of any public functionary, *corporation*, or community, we should probably not now be called on to deplore and redress these outrages. *Improvident Legislation*, is then, in some sort, the cause of these disorders."—Had "an appropriate responsibility" been imposed upon Mr. Johnson, and others of the Executive Committee of the Bank of Maryland, the duty they owed to the public would have been performed and immense loss and intense suffering saved to the community. It is true, that the State owes protection to the person and property of every individual, and had she not been guilty of "improvident legislature," the PROPERTY of THOUSANDS would not have been imbezzled, by the designing and avaricious, through HER instrumentality, by her chartered institutions. What is sauce for the goose, should be sauce for the gander; the cries of the multitude, the helpless creditors of the Bank of Maryland, and of all the other *legalized*, piccadilly institutions, which burst in 31, have been unredressed going on three years, and not even an enquiry instituted by the Legislature, to discover now 3 or 4 millions of dollars have been made away with, and innocent and unoffending citizens plundered of their all. But yet, a few favored individuals, learned in the law, who should have been made by the State, when granting her acts of incorporation, responsible and bound to the creditors for these losses, these very same possessing wealth, standing and influence, who are unwilling the books of these Institutions should meet the public eye, no sooner present claims, comparatively trifling when compared to the aggregate of losses sustained by the multitude, than a favorable report is made to their petitions. If this is Law, it is not Justice, and we are bold to say, that no Laws can be binding, which are devoid of Justice.

The committee finding themselves in a dilemma, and not being willing to palpably violate the Constitution by an Ex-Post Facto Law, beat the devil round the bush, and recommend the taking away from the city, her harbour fund, which is furnished by the Anction duties, drawn from the City alone, and which is used to keep open a public highway or the benefit of the whole State. Let the Legislature, beware of adding another to her manifold of oppression and injustice or our citizens, from whom she derives the largest position of her revenues, for if she withholds a part, which she has appropriated ("from her bounty") to keeping our harbour free, we too may and can withhold the whole, by refusing to pay our licenses and other taxes, until we obtain Equal Laws and Equal Rights. Let it beware drawing the cords of oppression too tight around our necks, otherwise, they themselves may break, or we can cut them assunder; for although,, we have borne much, and far more than our Fore-Fathers fought against, for the sake of peace, yet there is a point, beyond which sufferance cannot go, and where it *would be degrading* to Freemen not to resist.

EASTERN-SHORE RAIL ROAD.

By the Senate,

March 1st, 1836.

Gentlemen of the House of Delegates,

We respectfuly ask you to send back to the Senate, the two bills, entitled, a supplement and an additional supplement to an act, entitled, an act to encourage internal improvement. These bills, with titles so indefinite, propose in fact, the projection of a most important Rail Road, running from the Southern boundary of the Eastern Shore continuously, almost to the upper limits of the peninsula, where it may intersect the rail road leading from Baltimore to Philadelphia. These bills, are even to the State at large, of some importance, but they are particularly so to the whole people of the Eastern Shore, and as we desire to examine and reconsider them, from a conviction of the importance of the contemplated objects to the section of the country through which the road is intended to pass and a most sincere desire so to alter and amend them, as to make them acceptable to the great body of landholders, whose interest are deeply involved by these measures, contrary to the practice observed with all other bills of a like nature, these have not been printed for the information of the members; bearing upon their title pages the appearance of being only of local character, they may not have been read with the same care that public bills usually are, and were passed through both branches with a rapidity, seemingly incompatible with a deliberate consideration of a subject of so much interest and importance. On a review of these bills, we find they contain grants of a more onerous and dangerous character than have ever before been vested in any corporate body in the State, and to show this, we will recite some of the more prominent, by which their general character may be judged. In the first place, these bills grant to the corporation all general powers "exemptions and privileges" which may ever have been granted to "any one or more" corporate bodies for any rail road "or other improvements." Here perhaps may be found ample Banking "privileges," without bonus or limit, as to time or capital. In the second place a power is given to condemn land, wholly unnecessary, as we conceive to the work, and without a parallel in any other grant made by this State, either for canals or rail roads; and this power to condemn and hold as the property of the corporation, extends throughout the whole line of the road to all of the land lying within seventy-five yards on each side of the road. By this extraordinary grant, upwards of 18,000 acres of land may be condemned for the benefit of the company, without any necessity, for we respectfully suggest that it cannot be required for the purpose of the road but this privilege, dangerous as it may be, is not the most dagerous part of this most extraordinary grant.—By holding the land which is proposed to be enclosed along and parallel with the road, it may admit of a doubt whether the owners of adjacent wood land may not be effectually shut out from it, except they lay contiguous to some present established road which the rail road may cross, and these owners, in such case would be compelled to purchase their right of way to the rail road, at whatever price the company may choose to exact, or they may be obliged to sell those lands at their present reduced value, to the owners of the stock of the rail road, much of the lands through which this road will pass is covered with wood and timber; which such a road would at once raise into great value, and by this restriction, the owners could not avail themselves of the necessary rise in value which the proximity of the road would occasion. We will then refer your honorable body to the extraordinary power granted by these bills to levy tolls on the road; by the original bills to which these are supplementary, there is, power granted to charge 20 cents per ton on transportation for every 1600 yards, and as if this was not enough in all conscience, the supplements allow the additional charge of the tolls which are now laid for transportation on any of the existing rail roads in the State, thus allowing this corporation to charge over thirty nine cents per ton per mile for transportation, whilst the tolls on the other rail roads, are only four cents per mile, or within a fraction of ten times the ordinary tolls. Here is a grant which would give the company the power to monopolize the purchase of every heavy product which could be transported.

Finally we cannot but regard this corporation, if reckless speculators to a sufficient amount can be found to take hold on it, as a tremendous engine, for exaction and oppression on the people, who hold lands in the vicinity of the road, one well calculated to wrest from these freeholders the possession of their lands, without the benefit of the rise in value which the work of improvement ought to, and would produce; and if such could not be found, then we anticipate a failure of the entire project of this road; from the undefined and unlimited character of these grants, the involved objects, and occult purposes embodied in the intricate chain of the orginal act and these two supplements, which would deter other capitalists; and thus all the advantages to the Eastern Shore, of perhaps the only great public work of which it is susceptible, may, be lost forever. It would be better to have no charter than one which might be so greatly abused, or than one the character of which might cause it to lie dormant forever.

THE SENATE OF MARYLAND.

This body has ordered to be printed for their *own* use (fifteen members in all) the enormous number of *Two Thousand* copies of R. Johnson's Memorial, alias a gross Libel on the Citizens of Baltimore. There was but a bare quorum (9 members present) when the above act was ordered.—*Ref.*

EASTON, MD.

TUESDAY, MARCH 15, 1836.

DEMOCRATIC CANDIDATES.

FOR PRESIDENT,

MARTIN VAN BUREN,

OF NEW YORK.

FOR VICE PRESIDENT,

RICHARD M. JOHNSON,

OF KENTUCKY.

☞ The Western mail arrived before 11 o'clock last night, but we were unable to obtain our papers, and consequently must tender that excuse for the barrenness of our paper this morning. Should there be any news of importance we will, *to meet the mail arrangement!!* issue an extra.

ENGLAND.

By the last arrival from Liverpool, we learn that Parliament was opened on the 4th of February by the King in person who delivered the usual speech on the occasion, which however contains but little interest to the general reader. The subjoined paragraph we extract from it, which is the only one relating to France and this country

"Desirous on all occasions to lend my friendly endeavors to remove causes of disagreement between other powers, I have offered my mediation in order to compose the difference which has arisen between France and the United States. This offer has been accepted by the King of the French; the answer of the President of the United States has not yet been received; but I entertain a confident hope that a misunderstanding between two nations so enlightened and high minded, will be settled in a manner satisfactory to the feelings, and consistent with the honor of both."

HISTORY OF MARYLAND.

It will be seen by reference to the Legislative proceedings in our paper of Saturday, that in the Senate on the 3d inst. Mr. FIGMAN, submitted a report on the subject of the Manuscript History of Maryland, by JOHN LEEDS BOZMAN, presented to the Legislature by JOHN LEEDS KEER, Esq. accepting the present and presenting the thanks of the Legislature to the doner and authorizing the printing of said History.

The prospect of thus having an authentic History of the State, must be highly interesting to every intelligent citizen, and more especially to the people of Talbot, which was the birth-place and residence of the *first historian of Maryland.*

MR. CALHOUN.

The political hopes of this gentleman are becoming more gloomy daily. In his fallen state he possesses but little philosophy, and the workings of an ambitious soul are ever present and visible in his movements. If the restless spirit of the Carolinian finds a moment's repose after one of its peevish sallies at the man whom the people of a great state have raised from the humblest walks to those high above his accusers, he and his quondam proselytes can quietly enjoy it among themselves.

There is a deep feeling of acrimony displayed by Mr. Calhoun from the subjoined descriptive paragraph of a recent debate in the Senate, which neither comports with the dignity of a Senator, nor is it applicable to any particular purpose save that of gratifying the honorable Senator's personal and mortified self.

The Georgetown Metropolitan says of it—

"Several interesting passages at arms, between Senators, gave an animation to this day's proceeding, which had of late been wanting. The new Senator from New Jersey (Mr. Wall,) came out in a style worthy of the reputation which had preceded his name. For a maiden speech, it was a spirited and gallant effort extemporaneous and very happy in its point, as well as in its very graceful delivery. It was in reply to Mr. Calhoun who had just made quite a remarkable, though desultory and rambling speech. The subject of the amount of surplus revenue, as connected with that of the fortifications, had been engaging the Senate, when Mr. Calhoun rose and said, that it was a proud and a grateful thing, which he felt with high exultation, and took as an earnest of justice which a few years would yet do to him, to hear honorable Senators now bearing testimony to his correctness of judgement and policy, which they had but a short time ago, denounced as extravagance and absurdity, &c.—He reminded the Administration party of the fortification system, which had been his system, and which, but for his strenuous efforts for years in a minority when the present dominant party, had the power of that body, would have been treated with neglect, even more marked than that which by their own present avowal had left the country in a condition, so defenceless and exposed as to call for the immediate devotion of the whole surplus revenue of the country to that purpose. Mr. Calhoun's appearance and manners were here very remarkable. His eye, bright and animated, as is its usual character, kindled up with a light of pride and triumph, that really seemed, combined with the lofty smile of the lower part of his face to make his dark, severe countenance, almost radiant; his voice rang clear and loud though the perfect stillness of the hall; his stature seemed to the beholders that looked upon him and listened to him, to swell beyond his ordinary dimensions; he almost laughed in his exultations. He repeated and repeated his taunts, and challenged reply. His whole soul was evidently full of feeling to which voice eye, language and bearing all combined to give a most forcible and eloquent expression. His friends then heard him with regret, carried away by his feeling, to an indulgence of personal abuse against the administration, which was scarcely to be justified by the rules of parliamentary propriety. The denunciation of Mr. Van Buren as a 'fox with no claim to popularity,' was not worthy of the great Southerner, in his place on the Senate floor and laid him open to a very severe attack from Mr. Wall, the force of which Mr. Preston with all his animated eloquence, put forth in defence of his friend and colleague, was not able to turn."

THE INDEMNITY.

We published on Saturday the joint Report of the Legislature on the subject of indemnifying the sufferers by the late riots in Baltimore, and also, the substance of the Bill accompanying the Report. It has been seen from the Bill that the whole weight of indemnification falls upon Baltimore City, which is strictly just, *if it should fall anywhere.*—Judging from the spirit of the press and the resolutions passed by both Branches of the City Council, the people of Baltimore will submit bad humoredly to a law which they generally denounce as contrary to the spirit of our bill of rights, and oppressive and unjust in principle and precedent. We subjoin the resolutions that they may speak for themselves.

Resolved, By the Mayor and Council of Baltimore, as their solemn and deliberate belief, that the authorities of the City of Baltimore existing during the riots in the month of August last, employed all due diligence, and exercised all the powers and authority with which they were invested, according to the honest dictates of their best judgment to quell the riots, and to prevent the destruction of any property, without respect to persons—and that although they were unsuccessful in their efforts, if it was the result of any error upon their part, it was in consequence of an error of judgment, and not from any want of disposition and earnest and sincere desire, or the want of the most active exertions of their best endeavors to preserve the public peace, and to protect the persons and property of each and every individual.

Resolved, That we do most earnestly remonstrate against the passage of any law by the Legislature to indemnify the complainants by the imposition of any tax upon the citizens of Baltimore, or in any way imposing upon them the burden of paying any such indemnity in any shape, manner or form whatever, as, in our opinion, founded upon the most mature consideration of the subject, a violation of the plainest rules of justice, and contrary to all law, and to all precedent.

Resolved, That in our opinion the individuals who are applying for indemnity are not any more entitled to the right of applying for and expecting remuneration than persons who suffer losses by other outrages against the laws, and who are equally entitled to protection by the public authorities.

Resolved, That to require the payment of such indemnity by the citizens of Baltimore would be to impose upon innocent persons a burden for the offences of the guilty, and cannot, in our judgment, be justified upon any ground of justice and equality. Those who took no part in the riots, and those too who risked their property and their lives in endeavoring to quell the disturbance, and to preserve the property of others, who were not present to aid them in their endeavors, would by such an act be subjected to the burden.

Resolved, That even supposing the allegations contained in the memorials to be correct, that "the then existing authorities of Baltimore" were guilty of any "negligence or remissness of duty in not using the powers and authority with which they were invested, to afford that protection to these sufferers and their property, to which they were entitled," it should be recollected that there were then, and now, are, two authorities, one deriving its appointment from the Executive of the state, and the other from the people of the city, either of which was fully competent to call upon the force which might have been deemed requisite to quell the riots, and restore the public peace, and consequently the allegation would necessarily apply with as much propriety, and with as much force to the one as to the other. Nor is this all, but it is well known that previous to the destruction of the property for which remuneration is asked, it was fully ascertained that the ordinary police was insufficient to quell the riots, and the militia of the State was called upon to interpose for the purpose of subduing the disturbers of the public peace; and consequently if there were any propriety in granting the indemnity which is applied for, it appears perfectly clear to us that the obligation to bear the burden would unquestionably rest upon the whole State, and not upon the city only.

LATEST FROM TEXAS.

NEW ORLEANS FEB. 18.

By some papers received from the west of State we learn that Gen. *Samuel Houston* has issued a quasi proclamation, calling on the Texians to declare themselves an independent and sovereign people; and denouncing those who are desirous of forming a confederacy with some of the eastern Mexican States—This indicates too strongly a division among the Texian leaders; and may seriously prejudice the interests of Texas, as the Mexican People have made the contest a national affair.

General Sesma, a nobleman of wealth and bravery, will command the Mexican expedition against Texas; and *Santa Ana* will remain at home to attend to his own interests.—*Bee.*

ARKANSAS.

The Arkansas Gazette of the 2d instant contains a notice of the adjournment of the convention and a report of its closing proceedings. The constitution is not published, but we perceive the following provision is the leading one in the schedule.

SEC. 1. That no inconvenience may arise from the change of Government, we declare that all writs, actions, prosecutions, judgments, claims and contracts of individuals and bodies corporate, shall continue as if no change had taken place and all process which may be issued under the authority of the Territory of Arkansas previous to the admission of Arkansas into the Union of the United States, shall be as valid as if issued in the name of the State.

This is well. The Territory in presenting itself with a republican constitution in one hand, and a census of population entitling it to admission on the other, comes with unquestionable claims to be received into the Union as a State. At the same time, by providing for the continuance of the territorial Government, until Congress has acted, the power of becoming a State without submitting to Congress the decision upon the facts presented to authorize admission into the Union, as contemplated by the constitution of the United States, is not arrogated: We have not the least doubt but that Arkansas is perfectly entitled to admission into the Union, and that Congress will so decide. We trust before the present session closes, both Michigan and Arkansas will be recognized as States by Congress.—*Globe.*

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