ting their eyes upon all other meanings, they rest the whole strength of the objection upon the propriety of that single selection. They take the word in the sense of *preserve;* and adhering to that sense, they assume that the Senate is constitutionally commanded to preserve its journals, and that no part of them can be defaced or altered without disregarding the authority of that injunction. I am free to admit that, *to preserve*, is one of the meanings of verb to *keep*; but I must be permitted to affirm that it is one meaning only out of three or four dozen meanings which belong to that phrase, and which every Senator's recollection will readily recall to his mind. It is needless to thread the labyrinth of all these meanings, and show by multipled dictionary quotations in how many instances the verb, *to keep*, displays a signification entirely foreign, and even contradictory to the idea of preserving. A few examples will suffice to illustrate the position and to bring many other instances to the recollection of Senators. Thus: to keep up, is to maintain; to keep under, is to oppress; to keep house, is to eat and sleep home; to keep the door, is to let people in and out; to keep company, is to frequent one; to keep a mill, is to grind grain; to keep store, is to sell goods; to keep a public house, is to sell entertainment; to keep bar, is to sell liquors; to keep a diary, is to write a daily history of what you do; and to keep a journal is the same thing. It is to make a journal; and the phrase has the same meaning in the constitution that it has in common parlance. When we direct a person in our employment to keep a journal, we direct him to make one; our intention is that he shall make one, and not that he shall preserve an old one already made by somebody else: and this is the precise meaning of the phrase in the constitution. That it is so, is clear not only from the sense and reason of the injunction, but from the words which follow next after; "*and from time to time publish the same, except such parts as in their judgment require secrecy*" This injunction to publish, follows immediately after the injunction to keep; it is part of the same sentence, and can only apply to the makers of the journal. They are to keep a journal, and to publish the same. Which same? the new one made by themselves, or the old one made by their predecessors? Certainly they are to publish their own, which they are daily making, and not the one which was both made and published by a former Congress; and in this sense has the injunction been understood and acted upon by the two Houses from the date of their existence.

Again: if this injunction is to be interpreted to signify preserve, and we are to be sunk to the condition of mere keepers of the old journals where is the injunction for making new ones? Where is the injunction under which our Secretary is now acting in writing down a history of your proceedings on this my present motion? There is nothing else in the constitution upon the subject. There is no other clause directing a journal to be made; and if this interpretation is to prevail, then the absurdity prevails of having an injunction to save what there is no injunction to create!—the absurdity of having each successive Congress bound to preserve the journals of its predecessors, while neither its predecessors, nor itself, is required to make any journal whatever.

Again: if the Houses are to be the preservors, and not the makers of journals, then a most inadequate keeper is provided; for, during one half the time the two Houses are not in session, the keepers are not in existence, for the Secretary is not the House, and during all that moiety of time there can be no keeper of this thing which is to be kept all the time.

Again: if to keep the journal is to save old ones, and not to make new ones, then the constitutional injunction could have had no application to the first session of the first keepers. There are but two injunctions in the constitution on the subject of the journal; one to make it, the other to publish it; and both are found in the same clause. There is no specific command to preserve it; there is no keeper provided to stand guard over it. The House is not the keeper, and never has been, and never can be. The Secretary and the clerk are the keepers, and they are not the Houses. The only preservation provided for is their custody and the publication; and that is the most effectual, and in fact, the only safe preserver. What is published is preserved, though no one is appointed to keep it; what is not published is often lost, though committed to the custody of special guardians.

I have examined this word upon its literal meanings as a verbal critic would do it; but I am to and to examine it practically, as a statesman should see it, and as the framers of the constitution used it. Those wise men did not invent phrases, but adopted them, and used them in the sense known and accepted by the community: law terms, as understood in the courts; technical, as known in science; parliamentary, as known in legislation; and familiar phrases, as used by the people. Strong examples of this occur twice more in the very clause which we have been examining. There is the word *house: "each House shall keep,"* &c. Here the word house is used in the parliamentary sense, and means, not stone and mortar, but people, and not people generally, but the representatives of the people, and these representatives organized for action. Yet, with a dictionary in hand, this word House might be shown to be the habitation, and not the inhabitants; and the walls and roof of this capitol might be proved to have received the injunction of the constitution to keep a journal. Again: the House is directed to *publish* the journal, and under that injunction the journal is printed; because the popular sense of publishing is printing; while the legal sense is a mere discovery of its contents in any manner whatever The reading of the journal at the Secretary's table every morning, the leaving it open in his office for the inspection of the public, is a publication in law; and this legal publication would comply with the letter of the constitution. But the common sense men who framed the constitution used the word in its popular sense, as synonymous with printing; and in that sense it has been understood and executed by Congress. So of this phrase to keep a journal: the framers of the constitution found it in English legislation, in English history, and in English life; and they used it as they found it. The traveller keeps a journal of his voyage; the natural philosopher of his experiments; the Parliament of its proceedings; and in every case the meaning of the phrase is the same. Our constitution adopts the phrase without defining it, and of course adopts it in the sense in which it was known in the language from which it was borrowed. So of the word proceedings; it is technical, and no person who has not studied parliamentary law can tell what it includes. Both in England and America rules have been adopted to define these proceedings, and great mistakes have been made by Senators in acting under the orders of the Senate in relation to proceedings in executive session. Grave debates have taken place among ourselves to know what fell under the definition of proceedings, and how far Senators may have mistaken the import of an order for removing the injunction of secrecy from the Senate's proceedings. Every word in this short clause has a parliamentary sense in which it must be understood; House, —keep,—publish,—proceedings,—all are parliamentary terms as here used; and must be construed by statesmen with the book of parliamentary history spread before them, and not by verbal critics with Entick's pocket dictionary in their hand.

Mr. President, we have borrowed largely from our English ancestors, and because we have so borrowed results the precious and proud gratification that our America now ranks among the great and liberal powers of the world. We have borrowed largely from them; but, not to enter upon a field which presents inexhaustible topics, I limit myself to the precise question before the Senate. Then, sir, I say, we have borrowed from England the idea of this Congress,—its two Houses,—their organization,—their forms of proceeding, —the laws for their government,—and the general scope of their powers and of their duties,—with the very words and phrases which define every thing; and so clear and absolute is all this that, whenever not altered or modified by our own constitution, our own laws, and our own rules, the British parliamentary law is the law to our Congress, and as such is read, quoted and enforced every day. The English constitution requires a Parliament; a Parliament of two Houses; and it requires each House to keep a journal of its proceedings; and that duty has been performed with a fidelity, a jealousy, a care, and a courage which shows them to have been as vigilant and as faithful in the preservation of their journals as we can ever be The pages of their journals are traced back in a continuous line to the reign of Edward the Sixth. The clerk of the English House of commons was the keeper of the journal, and he took an oath "*to make true entries, remembrances, and* JOURNALS, *of the things done and passed in the House of Commons,*" As far back as 1641, the clerk was moved against for suffering his journals, or papers committed to his trust, to be taken by members of the House from the table, and it was declared, "*that it was a fundamental order of the House that the clerk, who is the sworn officer, and entrusted with the entries and the custody of the records of the House, ought not to suffer any journal or record to be taken from the table, or out of his custody, and that if he shall hereafter do it, after this warning, that at his peril he shall do it.*" Many instances occur in the parliamentary history of England of severe reprimands upon members for slight and innocent alterations in the journal, and merely to make them conformable to the fact; the House of Commons permitting none but the House itself to meddle with the journal; and when King James the First sent for the journal, and tore out of it the celebrated declaration of their privileges, which the Commons had made, the House took effectual care that that declaration should be the better known, and should be held the more sacred, for that very attempt to annihilate it. And, to comprise the whole in one word, and to show the reverence which the English Parliament had for their journals, the two Houses as far back as the reign of Henry the Sixth, by act of Parliament, affirmed them to be records, and compelled the judges to recognise them as such. (*Sir Edward Coke in 4 Inst.* 23, 24.) This suffices to show the high and sacred character of their journals in the eyes of the English Parliament; but this high and sacred character did not prevent the two Houses, each in its sphere, from rectifying any mistake in the journal, expunging from it, by total obliteration, any entry that was unconstitutional, or untrue in law or in fact, or unfit to be drawn into future precedent. The business of rectification to inquire into the facts, and to report them to the House; and there is no limitation of time upon these inquires. Instances occur in which the erroneous entry has been corrected four years after the mistake had occurred. The expunction or expurgation of the journal, and that total obliteration of any improper matter put into it is early at least in England, as Lord Stafford's case in the reign of Charles the First, and as late as the Middlesex election case in the reign of George the Third. I have found no instance in which the right, or the power of the House to expunge has been questioned I have seen no instance in which the duty to keep a journal of its proceedings, has been set up in opposition to any motion to expunge unfit matter from the journal; and therefore I hold it to be the settled law of Parliament that each House has power over its own journal, both to correct it, and to efface objectionable matter from it. And this, Mr. President, brings me to the law of Congress, and the power of the two Houses over their journals What is the law of Congress in regard to its powers and duties? It is the *Lex Parliamentaria*—it is the law of Parliament, except where changed or modified, by ourselves! This is so entirely the case, that every book that we have on parliamentary law is English! We have not a book on the subject, nor even a treatise; nothing but the Manual of Mr. Jefferson, which is in itself an abstract from the English books, with the changes and modifications made by our rules and constitution. Our whole code of parliamentary law is English; and whoever wishes to understand it, goes to the four quarto volumes of Hatsell, and the less voluminous compilations of Grey Elsynge, and Dewes Mr. Jefferson's Manuel is little more than an index to these books, and is so declared by himself, and intended to supply, in a slight degree, the want of these books in this country. His own words in his preface, and the authority of English parliamentary practice, where not controlled by our own rules and constitution, will be too instructive on this occasion to be omitted, and I shall accordingly read a passage from the preface to his Manual:

"Considering, therefore, the law of proceedings in the Senate as composed of the precepts of the constitution, the regulations of the Senate, and, where these are silent, of the rules of Parliament, I have endeavored to collect and digest so much of these as is called for in ordinary practice, collating the Parliamentary with the Senatorial rules, both where they agree and where they vary. I have done this, as well as to have them at hand for my own government, as to deposite with the Senate the standard by which I judge, and am willing to be judged. I could not doubt the necessity of quoting the sources of my information; among which Mr. Hatsell's most valuable book is pre-eminent; but as he has only treated some general heads I have been obliged to recur to other authorities in support of a number of common rules of practice, to which his plan did not descend."

The authority of the English parliamentary law is here recognized, and brought into action over the Senate in every case in which the recepts of the constitution and the rules of the Senate are silent; and on the head of expunging, both are silent: the English parliamentary law, therefore, takes effect. It is to no purpose that gentlemen may recur to that poor little word, keep; it is in the English constitution, and in the English parliamentary law as much as it is in ours. But no one in England ever thought of that word except as an injunction to make a journal. No one ever thought of it as constituting the House of Commons, or the House of Lords, the *custos*, keeper, or perserver, of the journals; an office which cannot be performed by a collective body; but there as here, and in law as well as in fact, the secretary and the clerk are the keepers of the history of their proceedings which the two Houses cause to be daily written. And thus I hold that the right of expunging, even to entire obliteration, is completely made out; of course that there can be no objection to the mode of expunging now proposed; a mode that saves the remedy and the objection, and effectually expunges without the least obliteration.

Thus far, Mr. President I have examined this objection in a mere verbal point of view, and shown that there is nothing in it, even in that contracted aspect, to prevent the Senate from execrating justice, upon this journal.—But gentlemen who brought it forward did not limit themselves to that narrow view; they took a wider range, and argued earnestly that mischievous consequences would result, and actual injury would be inflicted on themselves and the country, if my motion should prevail. They maintained that a part of our legislative history would be destroyed; that a part of the journal would be annihilated; that the proceedings contained in the annihilated part would be lost to the public and to posterity; that their own proceedings would become illegible; that they would be deprived of the means of showing what they did, and how they acted. All these disastrous consequences, and all these actual wrongs and serious injuries to themselves and to the public, they stoutly maintained, would fall upon them if the proposed obliteration of the journal took place. And they affirmed that it was no answer to all these real injuries to say that the expunged part would be transferred to the new journal, and there preserved in full, for, they declared, because they could not read the obliterated words in the place where they were first put, but would be disappointed in looking for them there, and might not be able to find them in their new place, under a different date, on another page, and in a different volume. This is the substantive part of the objection to my motion; and if there happened to be any reality in the supposed existence of all these wrongs and injuries, there might be some apology for the resistance they set up; but this is not the case; not one of these disastrous consequences will ever occur. All is mistake and delusion, the creation of fancy, the cheat of imagination, and the figment of the brain. There will be nothing destroyed, nothing displaced. All will exist just as clearly, and just as usefully, for every practical and every legal purpose, as it now does, and this I will establish by proof in less time than it has taken me to state the proposition.

I request the Secretary to show me the Senate journals for 1833, '34: to tell me what the journals are, and how they are kept or disposed of?

The secretary stood up, and said:

There is a manuscript copy of the journal, and a printed copy. The manuscript journal is but a single copy, and is the same that is read in the Senate every morning in sheets, and which is afterwards bound in a volume. From this manuscript one thousand and ten copies are printed, and distributed as follows: [The Secretary here showed the list of distribution, from which it appeared that twenty-five were to be furnished to the Governors, Legislatures, universities, colleges, and incorporated historical societies, in each State; two copies each to each member of the Senate and of the House of Representatives; five copies each to the Vice President of the United States to the Speaker of the House of Representatives, the heads of departments, Attorney General, judges of the United States courts; two each to all bureau officers; twenty-five to the Secretary of State; thirty-five copies to the offices of the Senate; the ministers from Great Britain, France, Spain, Russia, Prussia, Sweden, the Netherlands, Denmark, Portugal, the Hanseatic Republics, Mexico, Colombia, Chili, Peru, Buenos Ayres, Brazil, and Central America; and to the Consul General of the two Sicilies.]

Mr. B. resumed. We now arrive upon firm ground, and have solid matter to go upon. We can see and feel the question, and can handle both the objection and the answer to it.—The Secretary's answer is the platform of my battery, and has already expunged the objection to my motion, whether the motion shall succeed in expunging the journal or not. He says there are two sets of journals; the manuscript, which consists of one copy; and the printed, which is multiplied to 1010 copies. Hitherto the discussion has proceeded upon the assumption that there was but one copy of the journal, and that any erasure of that copy would be a total loss of the erased part. But now 1010 other copies start up to our view, stand in array before us, and offer their multiplied pages to our free perusal; and the question now is, what are all these copies for? What use is made of them, in fact, and in law?

And the answer comes as quickly as the question can be put: *first*, in point of fact; that these printed journals are the only ones read, used, or referred to either in this Senate, in the other House, before the public, or by the members themselves: *secondly*, that in point of law, they are on an equal footing with the original manuscript volume, and received as legal evidence in every court of justice. Such are the decisions and, not to impede the march of my argument, by the voluminous citation of cases, I refer you for a summary of them to Peake's Law of Evidence, American edition, by Norris, in the notes at the bottom of the pages 84, 85. He says. "*The printed journals of Congress have been allowed to be read without proof of their authenticity,*" and refers to cases. This puts an end to all objections. It settles all questons. Take the constitution as you please, to make or to preserve journals, and it is complied with; for both is done. One copy is directed to be made; a thousand and ten are made. Parts are directed to be published; all is published. Suppose preservation is intended; the most ample precautions are taken to preserve them, and so to multiply them, that every State in the Union, and every kingdom, republic and empire, in Europe and the two Americas, shall possess copies, in addition to all the departments of the Federal Government, the library of Congress, and the offices of the Secretary of the Senate, and of the Clerk of the House. Besides all this, each Senator has two copies for himself. All these are equal in law, and many ten thousand times superior in use, to the manuscript journal. Suppose that one be blacked up and blotted out according to the import of the word expunge; is the expunged matter lost? is any fact suppressed? are gentlemen prevented from justifying themselves by showing what they had done? is the knowledge of any thing extinguished? So far from it, that if the manuscript journal should be secretly withdrawn and burnt, not a Senator here would find it out to the end of his life, unless gratuitously told of it! so little does it enter into the head of any one to think of that journal, much less to look at it or to use it! Suppression of facts! Suppression of the knowledge or the fact, that the Senate of the United States, in March, 1834, adjudged President Jackson to be guilty of having violated the laws and constitution of his country! the preposterous conception never entered our imaginations. We know that this act of the Senate is to live, and to live while American history lasts. We know that it is to gain new notoriety, and multiplied existences, from the very motion which I now make. To say nothing of our own action, my resolution, our speeches, the newspaper publications, and the universal attraction of the public mind to the subject, our own journals are again to become the recipient of its existence, and the instruments of its diffusion over the Union, the two Americas, and all Europe. The new manuscript journal, read this morning at our table, will contain every word of this judgment; the 1010 copies to be printed will, every one, be honored with its impression.

Nothing is suppressed; nothing so insane is intended. The whole effect, and the whole design of the motion, is to declare the solemn sense of the Senate, that such proceedings ought never to have taken place; that they were wrong from the beginning, and require a remedy which extirpates to the root. The order to expunge does this; and there is no other remedy which can amount to its equivalent, or stand for its substitute. It is the parliamentary phrase, and the only one in the whole vocabulary of parliamentary language, which implies that original, wrongful proceedings, which infers misconduct, as well as error, and requires rebuke as well as reversal. Take any other phrase—go into circumlocution—string epithets together—write an essay; and all united will not express the meaning, and come up to the import of this single word. Reverse—repeal,—rescind,—annul,—make void: none of them will do. They all admit either a legal, or an innocent beginning, and fail in that flagrant conception of wrong, which the word expunge alone imports. Try them by their accepted meanings; we reverse an attainder,—repeal a law,—and rescind an order; and none of these terms imply either misconduct, or defect of power, in the Parliament which passed the attainder, enacted the law, or directed the order. A superior tribunal annuls and makes void the judgment of the inferior; the legal error is corrected, but judicial misconduct is not rebuked. These terms are all inadequate, and not only inadequate, but inapplicable; for they imply remedies which have no application to the state of the case against President Jackson. They all apply to future proceedings. They are all intended to arrest the progress of some measure still in a course of execution. Thus: we reverse an attainder, to stop the corruption of blood, and to prevent the forfeiture of estates; we repeal a law, to prevent its further operation; we rescind an order, to arrest its fulfilment; we annul and make void a judgment, to prevent execution from being taken out upon it. In all these cases there is something to be stopped or restored; but in President Jackson's case there is nothing; no corrupted blood to be purified, or forfeited estate to be restored; no law in operation, whose progress requires to be arrested; no order, which ought to be revoked; no judgment on which execution of person or property can be taken out. The judgment against him attacks his character, not his person or property. It is a proceeding to disgrace his name, and to dishonor his memory; to cover him with odium now, and execration hereafter. It is a denunciation, a stigma, a brand! and if he is willing to wear it, his judges are content. No further proceedings is mediated. The Senate does not mean to chastise the guilt which it has denounced. They propose no fine, no imprisonment, no corruption of blood, no forfeiture of estate, no removal from office, and no disqualification to hold office.—Their mercy stops short of all this. Not such is their judgment implies. They are content to let the culprit run, unwhipt of justice, but bearing to his grave the stigma they have put upon him, and delivering down to posterity the memory which they have attained. This is what the Senate proposes; and it is absurd and nugatory, it is irrelevant, inapt, and inpereogatory in us to apply a remedy which implies the arrestation of what is not impending. No, sir! our true remedy lies in the knife, with which we are to cut out; in the fire, with which we are to burn out; in the potential cautery, with which we have to extricate the brand which has been stampted upon the first patriot of the age, for the most glorious action of his life.—Expunge is the word, and expunge is the remedy. None of your reversal, repeals, rescisions, annullings, or vacatings; but let our Secretary bring the manuscript journal to his desk; open it in the presence of an assembled Senate and of attending multitudes, and encircling the odious sentence with lines as black as its own injustice, let him inscribe upon its face the indelible decree: "EXPUNGED BY ORDER OF THE SENATE." Yes, sir; expunge is the word. It is the only one that befits the occasion. It is the only one that can render adequate justice to that man who has done more for the human race than any other mortal who has ever lived in the tide of times. It is true, the word bears hard upon the Senate; it implies great misconduct in them; it amounts to a reproach. But let us hear nothing of that. Let us have no posthumous appeal to the comity and dignity of the Senate. Comity and dignity! Where were they during that prolonged denunciation of one hundred days, when this fell sentence of condemnation, like poison in the sick air, hung suspended over the pale face of the country, and over the devoted head of the President? when history was ransacked and language was tortured, to find examples and epithets infamous enough and odious enough to paint his crimes? when every furious passion, bursting from its long confinement in the bosom, came ranging through this hall, crying vengeance upon the wicked destroyer of his country, and shame upon every collared slave that took his part? Where were comity and dignity then?—Trampled under foot in the hot pursuit after the devoted victim! Banished from this floor: and not from this floor, but from those galleries, where the satellites of the Bank assembled every day to applaud the assailants, and to hiss the defenders of the President, and to triumph in the impunity which the benevolence of the majority accorded to their insolence. Expunge is a severe remedy, but it is a just one. It reflects reproach, but the fault is not ours, but of those who compel us to use it. Let us go on, then, and neither compromise for difficulties, nor despair for failures. If we fail now, let us try again. If we continue to fail, and have to retire before the good work is accomplished, let us transmit and bequeath it to the democracy of America. Let us give it to the aged sire, that he may hand it down to his heir—to the matron, that she may deliver it to her manly son—to the young mother, that she may teach her infant babe to suck in the avenging word EXPUNGE, with the life-sustaining milk which it draws from her bosom.

Mr. B. said that he had chosen to make out this case upon the reason and argument with as little reference as possible to precedent and authority. I am, said he, in favor of the arguments which convince the understanding, in contradistinction to the authorities and precedents which subdue the will. I wish always to receive reasons myself, and therefore feel bound to render them. Addresaing an enlightened Senate, and an intelligent community I look to their understandings, and feel safe while I speak to their judgment. I have, therefore, postponed to the last an authority drawn from our own history,—an authority drawn from the history of the American Senate,—covering the whole ground of the present case, and going far beyond what I now propose to do. It is a precedent of thirty years standing, occurring in the good days of Mr. Jefferson when the democracy were in the ascendant in both Houses of Congress, and when the fathers of the republic,—the framers of the constitution,—were in full life, and full power to protect their work, and to see that nothing was done to impair the constitution which they had established.

Mr. B. then read:

SENATE JOURNAL, Monday, April 21, 1806.—"On motion that every thing in the journal relative to the memorial of S. G. Ogden & Wm. S. Smith, be expunged therefrom" it passed in the affirmative. Yeas: Messrs. Adair, Condit, Gilman, Kitchel, Logan, Mitchell, Smith of Md., Smith of N. Y., Stone, Thruston, Worthington and Wright—13.—Nays:—Messrs. Adams, Baldwin, Hillhouse, Pickering, Plumer, Smith of O., Tracy and White—8."

Mr. PORTER of Louisiana, rose to inquire of the Senator from Missouri, at what time it was that this order expunging had been made by the Senate, and especially whether it was at the same session?

Mr. B. replied that he was too well practised in these contests to suffer his fire to be drawn until he was ready to deliver it. He would answer the Senator Louisiana, but not until he had arrived at the point at which the answer and the reasons for showing the immateriality of time in this case, could be given together. In the mean time, he would caution the gentleman against taking a position upon so small a point—upon a distinction without a difference; and to warn him, if he did, that he might find himself suddenly blown up.

This, said Mr. B., is an entry which we find upon our printed journal; and searching the same journal over to see what these memorials were, and what had been the proceedings of the Senate upon them, and wherefore they were ordered to be expunged, nothing, no, not anything, no trace of these proceedings could any where be found. Recourse was then had to the manuscript journal of that year; & searching it carefully over, not a speck of the expunged proceedings could be found, not even the place at which the expurgation had been made. And here Mr. B. exhibited the manuscript journal to very his statement. Unwilling to be foiled in the search, with the aid of a clerk, one of his friends has ascended to the garret rooms of the Capitol, and there, at the top of the building they had got to the bottom of this affair, and found the original minutes of the session of 1806 drew them out from their thirty year's sleep, and reconducted them into the Senate chamber. (Here Mr. B. exhibited a large unbounded volume of manuscript sheets, bearing strong marks of age. They were the minutes of 1806 from which the fair copy of the bound journal had been made.) On these original minutes every thing appeared—the presentation of the memorials—the statement of their contents—the Senate's leave to withdraw them—and, finally, the order to expunge every thing. Mr. B. then read the following extracts from these minutes;

"Mr. Adams communicated two memorials, one from Samuel G. Ogden, & the other from William S. Smith, stating that they are under a criminal prosecution, for certain proceedings, into which they were led by the circumstances [illegible] was fully known to and approved of all this, which their judgment implies. They are content to let the culprit run, unwhipt of justice, but bearing to his grave the stigma they have put upon him, and delivering down to posterity the memory which they have attained. This is what the Senate proposes; and it is absurd and nugatory, it is irrelevant, inapt, and inpereogatory in us to apply a remedy which implies the arrestation of what is not impending. No, sir! our true remedy lies in the knife, with which we are to cut out; in the fire, with which we are to burn out; in the potential cautery, with which we have to extricate the brand which has been stampted upon the first patriot of the age, for the most glorious action of his life.—Expunge is the word, and expunge is the remedy. None of your reversal, repeals, rescisions, annullings, or vacatings; but let our Secretary bring the manuscript journal to his desk; open it in the presence of an assembled Senate and of attending multitudes, and encircling the odious sentence with lines as black as its own injustice, let him inscribe upon its face the indelible decree: "EXPUNGED BY ORDER OF THE SENATE." Yes, sir; expunge is the word. It is the only one that befits the occasion. It is the only one that can render adequate justice to that man who has done more for the human race than any other mortal who has ever lived in the tide of times. It is true, the word bears hard upon the Senate; it implies great misconduct in them; it amounts to a reproach. But let us hear nothing of that. Let us have no posthumous appeal to the comity and dignity of the Senate. Comity and dignity! Where were they during that prolonged denunciation of one hundred days, when this fell sentence of condemnation, like poison in the sick air, hung suspended over the pale face of the country, and over the devoted head of the President? when history was ransacked and language was tortured, to find examples and epithets infamous enough and odious enough to paint his crimes? when every furious passion, bursting from its long confinement in the bosom, came ranging through this hall, crying vengeance upon the wicked destroyer of his country, and shame upon every collared slave that took his part? Where were comity and dignity then?—Trampled under foot in the hot pursuit after the devoted victim! Banished from this floor: and not from this floor, but from those galleries, where the satellites of the Bank assembled every day to applaud the assailants, and to hiss the defenders of the President, and to triumph in the impunity which the benevolence of the majority accorded to their insolence. Expunge is a severe remedy, but it is a just one. It reflects reproach, but the fault is not ours, but of those who compel us to use it. Let us go on, then, and neither compromise for difficulties, nor despair for failures. If we fail now, let us try again. If we continue to fail, and have to retire before the good work is accomplished, let us transmit and bequeath it to the democracy of America. Let us give it to the aged sire, that he may hand it down to his heir—to the matron, that she may deliver it to her manly son—to the young mother, that she may teach her infant babe to suck in the avenging word EXPUNGE, with the life-sustaining milk which it draws from her bosom.

Mr. B. said that he had chosen to make out this case upon the reason and argument with as little reference as possible to precedent and authority. I am, said he, in favor of the arguments which convince the understanding, in contradistinction to the authorities and precedents which subdue the will. I wish always to receive reasons myself, and therefore feel bound to render them. Addresaing an enlightened Senate, and an intelligent community I look to their understandings, and feel safe while I speak to their judgment. I have, therefore, postponed to the last an authority drawn from our own history,—an authority drawn from the history of the American Senate,—covering the whole ground of the present case, and going far beyond what I now propose to do. It is a precedent of thirty years standing, occurring in the good days of Mr. Jefferson when the democracy were in the ascendant in both Houses of Congress, and when the fathers of the republic,—the framers of the constitution,—were in full life, and full power to protect their work, and to see that nothing was done to impair the constitution which they had established.

Mr. B. then read:

SENATE JOURNAL, Monday, April 21, 1806.—"On motion that every thing in the journal relative to the memorial of S. G. Ogden & Wm. S. Smith, be expunged therefrom" it passed in the affirmative. Yeas: Messrs. Adair, Condit, Gilman, Kitchel, Logan, Mitchell, Smith of Md., Smith of N. Y., Stone, Thruston, Worthington and Wright—13.—Nays:—Messrs. Adams, Baldwin, Hillhouse, Pickering, Plumer, Smith of O., Tracy and White—8."

Mr. PORTER of Louisiana, rose to inquire of the Senator from Missouri, at what time it was that this order expunging had been made by the Senate, and especially whether it was at the same session?

Mr. B. replied that he was too well practised in these contests to suffer his fire to be drawn until he was ready to deliver it. He would answer the Senator Louisiana, but not until he had arrived at the point at which the answer and the reasons for showing the immateriality of time in this case, could be given together. In the mean time, he would caution the gentleman against taking a position upon so small a point—upon a distinction without a difference; and to warn him, if he did, that he might find himself suddenly blown up.

This, said Mr. B., is an entry which we find upon our printed journal; and searching the same journal over to see what these memorials were, and what had been the proceedings of the Senate upon them, and wherefore they were ordered to be expunged, nothing, no, not anything, no trace of these proceedings could any where be found. Recourse was then had to the manuscript journal of that year; & searching it carefully over, not a speck of the expunged proceedings could be found, not even the place at which the expurgation had been made. And here Mr. B. exhibited the manuscript journal to very his statement. Unwilling to be foiled in the search, with the aid of a clerk, one of his friends has ascended to the garret rooms of the Capitol, and there, at the top of the building they had got to the bottom of this affair, and found the original minutes of the session of 1806 drew them out from their thirty year's sleep, and reconducted them into the Senate chamber. (Here Mr. B. exhibited a large unbounded volume of manuscript sheets, bearing strong marks of age. They were the minutes of 1806 from which the fair copy of the bound journal had been made.) On these original minutes every thing appeared—the presentation of the memorials—the statement of their contents—the Senate's leave to withdraw them—and, finally, the order to expunge every thing. Mr. B. then read the following extracts from these minutes;

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United States; that on this prosecution, they have been treated by the Judge of the District Court of the United States at New York, Mathias B. Talmadge, Esq. in such a manner, that the same grand jury which found the bills against them, made a presentment against the Judge himself, for his considering Congress as the only power competent to relieve them, submit their case to the wisdom of Congress, and pray such relief as the laws and constitution of his country, and the wisdom and goodness of Congress may afford them; and the memorials were read, and,

On motion,

Ordered, That the memorialists have leave to withdraw their memorials respectively."

Mr. B. said that these entries showed a part of what was wanted, but not the whole; they were deficient in showing the reasons upon which the Senate acted in ordering the expurgation, although these reasons might be well guessed at from the statement of the contents of the petition. Other searches were then instituted into the newspapers of the day, and the journal of the House of Representatives. He was told, for he had not looked himself, that the copy of the National Intelligencer in the Library of Congress was either silent on the point or *minus* a page, at that part; but the journal of the House supplied the defect, and showed that the same memorials were presented in that body, on the same day, and that they had been ordered to be returned to the petitioners, for reasons set forth in a resolve of the House.—These proceedings of the House, he would then read.

JOURNAL OF HOUSE OF REPRESENTATIVES.—Monday, April 21, 1806.

"Mr. QUINCY presented to the House two several memorials of Samuel G. Ogden, and of William S. Smith, of the city of New York, which were received and read, respectively stating that they are under a criminal prosecution, now depending in the Circuit Court of the United States for the district of New York, for an alledged offence against the law of the United States, in which, if guilty, they have been led into error by the conduct of officers of the Executive Government, who now intend to bring upon the memorialists the laws, penalties and to sacrifice their character, fortunes, and liberty, in expiation of their own errors, or to deprecate the vengeance of foreign governments, by offering the memorialists as a victim to their resentment: that they have also experienced great oppression and injustice in the manner of conducting the said prosecution: and praying such relief therein as the wisdom of Congress many think proper to grant."

"The House then proceeded to consider the said memorials: whereupon, on motion of Mr. EARLY, and seconded, that the House do come to the following resolution:

"Resolved, That the charges contained in the memorials of Samuel G. Ogden and William S. Smith, are, in the opinion of this House, unsupported by any evidence which, in the least degree, criminates the executive Government of this country; that the said memorials appear to have been presented at a time, and under circumstances, insidiously calculated to excite unjust suspicion in the minds of the good people of this nation, against the existing administration of the general Government, and that it would be highly improper in this House to take any step which might influence or prejudice a cause now depending in a legal tribunal of the United States: therefore,

Resolved, that said memorials be, by the Clerk of this House, returned to those from whom they came."

Having read these entries from the journal, Mr. B. said, the Senate would doubtless wish to see how the resolution of Mr. Early was disposed of and whether the memorial of Messrs. Ogden & Smith were accually returned to them. He said, that such was the fact. The resolution of Mr. Early was adopted, not in one resolve but piece by piece. Divisions were called, and seperate votes taken upon every seperate member of the resolution, making five sets of votes, and all carried in the affirmative, by yeas varying from 70 to 75 nays varying from 15 to 8. The first list of nays were: Messrs. Silas Betton, Christopher Clark, Samuel W. Dana, Caleb Ellis, William Ely, Joseph Lewis, Jr., Jonathan O. Mosely, Jeremiah Nelson, Timothy Pitkin, Josiah Quincy, Benjamin Talmadge Samuel Tenny, Thomas W. Thompson, William K. Van Rensselaer, and Peleg Wadsworsh.

[To be continued.]

EASTON, MD.

TUESDAY, MARCH 29, 1836.

DEMOCRATIC CANDIDATES.

FOR PRESIDENT,

MARTIN VAN BUREN,

OF NEW YORK.

FOR VICE PRESIDENT,

RICHARD M. JOHNSON,

OF KENTUCKY.

ATTENTION Jackson Republicans.

In conformity to the proposition of the State Convention which convened in Baltimore, in May last, recommending another convention in the same place on the 3d Wednesday in May next, to nominate candidates for Electors of President and Vice President pledged to support Martin Van Buren and Richard M. Johnson, the citizens of Talbot, favorable to their election, are requested to assemble at the Court House in Easton, on TUESDAY afternoon the 19th of APRIL, at 3 o'clock.

March 26th

We commence to-day, Mr. BENTON's very able speech to the exclusion of nearly all other matter. It will fully repay the reader for its perusal, and clearly does away the very dainty objections of certain honorable Senators to the word EXPUNGE.

UNITED STATES BANK.

The petitions from Ontario County, to prohibit the circulation within the state, of the bills of the U. S. Bank, recently chartered by the Legislature of Pennsylvania, were postponed in Assembly on Wednesday, to the first day of November next, by a vote of 87 to 14—the Whig members generally voting in the negative.—N. Jour. Com

The Albany Advertiser says that the project of a tunnel under the Hudson river is no jest. The work, it is believed, can be done for $300,000, and it is said that the stock will be immediately taken.

The committee of the New York Legislature, appointed to investigate the cause of the defalcations in the Commercial Bank of Albany, have made a disclosure which has occasioned no little stir. It is, in substance, that Mr. Bishop, a senator from the Fourth District, having won a considerable sum from a Mr. Benedict, of Albany, took a note for a portion of the winnings, which note he requested to be paid, and which was paid, before he would vote to give Benedict an auctioneer's commission.

NEW HAMPSHIRE ELECTION.

The returns from this State enable us to say that the Hon. ISAAC HILL is elected Governor, by a larger majority than was ever received by any candidate for that office in the State of New Hampshire. Eleven out of twelve Sen