

Mr. Frelinghuysen said he was not opposed to the bill, as the Senator from Indiana (Mr. Noble) seemed to apprehend, but he wished that the influence of presents to the Indians would be kept out of operation while the treaty was in progress. He repeated, he desired to throw no obstruction in the way of the negotiation.

The question on the amendment proposed by Mr. King was then put and carried in the affirmative:

Mr. McKinley then moved to amend the bill by adding the following section: "And be it further enacted, That no secret present, or consideration, shall be offered or given to the Chief or Chiefs of the Tribe or Tribes of Indians with which said treaty may be held."

The amendment was agreed to—Ayes, 34.

The bill being then reported to the Senate as amended,

Mr. Hendricks rose and said that he could not be silent when the question was about to be taken in the Senate, on the amendment which had just been adopted in Committee of the Whole. He thought its adoption would be a reflection upon the integrity of the Executive, and upon the Commissioners appointed to make the treaty. It would also be a reflection upon the integrity of all heretofore concerned in negotiating Indian treaties. The section offered for the adoption of the Senate, pre-supposed abuses which he believed had no existence. He did not know of any undue influence heretofore exercised in making Indian treaties. That which this section would remedy, was found in almost every treaty ever made with the Indians; but it was produced, not by the commissioners, but stimulated by the Indians themselves. [Mr. Hendricks quoted the provisions of several Indian treaties. Here, said Mr. H. are brick houses provided for, reservations of land for certain individuals and families; and donations in money. These were made in conformity with the wishes of the individuals composing the tribe, who certainly have it in their power to say, that A shall receive more than B; but these arrangements never before were called bribes, nor can the officers of government fairly be charged with impropriety in such stipulations. Mr. H. repeated, that, as the adoption of the amendment could be considered in no other light, than as a reflection on those who are constitutionally charged with the negotiation of the treaty, he hoped it would be rejected.

Mr. McKinley replied, that the practice of giving secret presents to the head men of the Indian tribes with whom we treat, is of recent date, and it ought to be discouraged as soon as possible. He believed the most effectual method of putting an end to the practice was, by inserting such a provision as he had proposed in the law making appropriation. By persevering in the practice, the Senate will be, as it often has been placed in the dilemma of either losing the money which has been expended, or of ratifying the treaty, whether satisfactory or not. Mr. McK. did not object to a necessary donation being made to the chiefs, if it were made public. Is it proper, he asked, to make presents to the head-man, which the nation does not know? The less, he thought, which was given, the better; for the great amounts thus expended, often rendered it imperatively necessary for the Senate to ratify bad treaties. The effect of this would be, to prevent the insertion of secret articles in our treaties: for he was of opinion, that in private, as well as public transactions, honesty was always the best policy.

Mr. Hendricks remarked, that the reasons given by the senator from Alabama, [Mr. McKinley] in support of the amendment, had suggested to his mind additional arguments against its adoption. It was not competent for the Senate to legislate into existence, instructions, to be given to the commissioners, who negotiate Indian treaties. This had uniformly been considered the constitutional prerogative of the president. The Senate, said Mr. H., in its legislative capacity, is no part of the treaty-making power; and legislation prescribing the duties which the constitution has plainly devolved on the executive, is not only unconstitutional, but impeaches the integrity of the president, in pre-supposing that he would not perform his constitutional duties. While he was up, he would reply to the senator from New Jersey (Mr. Frelinghuysen.) He deprecates the practice and the unnecessary expense of collecting, on such occasions, the young men, the woman and children; says that their influence on their chiefs, who are competent to make treaties without them, is prejudicial to the Indians and unworthy of the government. To this class of observations, it may be replied, that the chiefs never without the consent of the tribes make treaties at all. This consent is never given in advance, when they can be present. Their presence is necessary to prevent the chiefs consulting in a signal manner their own interests, instead of the interests of the tribe generally: and of all the treaties ever made with the Indians, those which have been made by the chiefs, remote from the tribes they re-

presented, have been the worst for their people. These are the treaties in which special benefits have been most liberally provided for the chiefs. When the warriors were present, with the women and children, at the treaty ground, every thing was known, and it was almost impossible for any thing unfair to be done by either party.

Mr. Benton asked that the question be taken by yeas and nays, if they were not already ordered. He expressed his obligation to the Senator from South Carolina who had called the attention of the House to the constitutional nature of the amendment. This was the first year, said Mr. B. of the new Administration, and here was a proposition implying a direct censure of it, as the object of it was to place us on our guard, against which gentlemen anticipated corruption.—There was no necessity for the restraint on the present administration more than on any preceding one. Mr. B. repeated his desire to have the question taken by yeas and nays. The yeas and nays were ordered.

Mr. Barton said he had voted for this amendment in Committee of the whole; but certainly not for the purpose of reflecting on those who had preceded us, or of the present Administration. He was not aware now that it amounted to any undue reflection on any branch of the government, legislative or executive; for he knew of no instance of treaties pro-

cured by means of secret bribes, and known to this government, having been ratified. The parallel drawn, or attempted, between our negotiation with the European nations and with the aboriginal tribes of America, did not hold. Europe does not acknowledge us as her Great Father, nor our protection or supremacy over her, but as an equal; and hence the evident impropriety of such a provision to guard those civilized nations from such influences. But the Indian tribes are a conquered, broken down people, who acknowledge our protection and supremacy, and call us their Great Father—looking to us for justice and protection, as the ward looks to the guardian.

Where then is the impropriety of the legislative taking the lead of the Executive, in announcing to the world, that in our negotiations with these subject-wards and broken tribes, such means should not be lawful?—Congress are the guardians of these people.

He voted for the amendment in Committee of the whole; and must repeat that vote on the ayes and nays.

Mr. McKinley said he had no design to question the virtue or integrity of the present Administration: he had as much confidence in it as those who made greater professions. It is strange, said Mr. McK. that a proposition cannot be made appropriate money for public purposes, under certain restrictions, without having the charge imputed to us of entertaining unfriendly feelings to the present Administration. As this was a new subject, and as there was no immediate necessity to have it settled, he moved that the bill, as amended, be laid on the table, that gentleman may have an opportunity of giving it a sufficient examination. The motion was agreed to.

From the U. S. Telegraph, Feb. 2.
In the Senate, on Monday, various petitions and memorials for and against Sunday mails were presented. The resolution submitted by Mr. Webster, in relation to the public printer, was decided by the Chair to be out of order; and the resolution of Mr. Grundy directing the Secretary to postpone the subscription to Gales and Seaton's Compilation of the Public Documents, was debated by Messrs. Grundy and Chambers; and on motion of Mr. M. Lean, was laid on the table. Mr. Benton resumed his argument on Mr. Foot's resolution on the Public Lands, and continued to a late hour, when the Senate adjourned.

In the House of Representatives, on Monday, the greater part of the day was occupied in the presentation of petitions and resolutions; and among the latter of which, were some submitted by Mr. Wickliffe, requiring information respecting the allowances to public officers in the years 1828 and 1829. Mr. McDuffie, from the Select Committee, reported, in part, a joint resolution for an amendment of the Constitution of the United States, in relation to the election of President and Vice President; which with an amendment proposed by Mr. Hayne, was read a first and second time, referred to a Committee of the Whole on the state of the Union and ordered to be printed. After the transaction of further business, according to the usual routine, the House, in Committee of the Whole, resumed the consideration of the Maine election question. Mr. Southerland concluded his observations, and was followed by Mr. Coke, until, on motion of Mr. Mercer, the House adjourned.

The Senate was again occupied on Tuesday with Mr. Foot's resolution in relation to the public lands. Mr. Benton having concluded his able and powerful argument, Mr. Sprague followed in reply, but the Senate adjourned before Mr. Sprague had finished, and without taking the question on Mr. Webster's

motion for an indefinite postponement of the resolution, which has been for so many days pending.

Mr. Taylor, of Virginia, on Tuesday resumed his seat.

The subject which first came under discussion in the House of Representatives, subsequent to the transaction of the usual business of the day, was the resolution, previously submitted by Mr. Conner, of the general Assembly of the State of N. C., passed on the 4th of Jan., 1830 for the purpose of procuring the repeal of the Salt Tax. Upon the question of its reference to a Committee, whether to the Committee of Ways and Means, or to the Committee on Manufactures, an interesting and animated debate took place; in the course of which Mr. Hoffman, Mr. P. P. Barbour, Mr. Wilde, Mr. Taylor, Mr. Bates, Mr. Davis, of Massachusetts, and Mr. Cambreleng, severally addressed the House until the termination of the allotted hour. Mr. Strong has the floor for next day upon this question. The Maine election case was then taken up, and argued by Mr. C. Ke, in conclusion of his observations of the preceding day, and by Mr. Goodenow, Mr. Spencer, of New York, and Mr. P. P. Barbour. It was ultimately decided by a majority, taken by yeas and nays, of 111 to 79, that the sitting member, the Hon. James W. Ripley, was duly elected.

In the Senate on Wednesday, Mr. Hendricks reported a bill to authorize a subscription to the stock of the Louisville and Portland Canal Company. After an hour spent in the consideration of Executive business, Mr. Foot's resolution was taken up, and Mr. Sprague concluded his remarks in reply to Messrs. Benton and Hayne, and in defense of New England men, measures and character.

In the House of Representatives the resolutions of the Legislature of North Carolina, on the subject of the reduction of the duty on Salt, were, after a brief discussion laid on the table, Mr. McDuffie having stated that the Committee of Ways and Means would to-day report a bill on the subject. The House then took up the bill to provide for taking the Fifth Census, being a special order of the day. In Committee of the whole on the state of the Union, sundry amendments were made, after which the Committee rose and reported progress, and the House then adjourned.

The resolution which has been so long pending in the Senate, contemplating the supervision of the surveys of the public lands, was on Thursday again taken up as the unfinished business; and Mr. Rowan, who was entitled to the floor, addressed the Senate at length, principally in reply to Messrs. Webster and Sprague. The Senate previously acted on several bills from the House of Representatives, and several Senate bills, some of which were referred to the appropriate Committees, and some were ordered to a 3d reading. Mr. Tazwell, of Virginia, appeared and took his seat.

In the House of Representatives a number of Bills was reported and passed through the usual stages. Among them was one from the Committee on Military Affairs, introduced by Mr. Drayton, authorizing the Secretary of War to purchase additional land for the fortifications at Fort Washington, on the Patomac River; another by Mr. Buchanan, from the Committee on the Judiciary, in reference to certain frauds upon the United States, Bank; and a third by Mr. Cambreleng, from the Committee on Commerce, making an appropriation for building a Marine Hospital, at Charleston, South Carolina. The resolutions submitted by Mr. Wickliffe, on Monday, in relation to the allowances made to public officers in the years 1828 and 1829, were after some debate, agreed to by the House, with a slight modification. After numerous resolutions had been proposed and offered, the census Bill was taken up by the House on the state of the Union, Mr. Buchanan in the chair, and occupied the remainder of the day. A variety of amendments were submitted, and the Committee was addressed upon the subject of them by Messrs. Speight, Storrs, Goodenow, Wickliffe, Coulter, Richardson, Clay, Lamar, Wilde, Johnson, of Kentucky, Jennings, Sterigere, Johns, Johnson of Tennessee, Lea, Crockett, Polk, Blair, of Tennessee, Ramsey, Davis, of South Carolina, and Haynes. The Bill was reported to the House on the rising of the Committee, and the further consideration of it postponed until Monday. After which, on motion of Mr. Warren R. Davis, the House adjourned.

The Senate on Friday, passed the bills for the relief of Jonathan Chapman; and the bill for the relief of Payson Perin. A number of bills from the House of Representatives were ordered to a third reading, and several Senate bills were ordered to be engrossed. The resolution in relation to the public lands, which has occupied so much of the attention of the Senate, was not considered; Mr. Hayne having moved its postponement until Monday on account of the lateness of the hour at which it came up in order. The Senate adjourned over to Monday.

In the House of Representatives, a

bill was introduced by Mr. Drayton, with alarm, and a great effort was instantly made by Mr. Webster to destroy its effect; to defeat the alliance between the South and the West, by creating dissensions between them, and to invite the West to ally rather with the opposition which is principally confined to the East. Then came Mr. Benton's open rejection of the invitation, Mr. Hayne's splendid defence of the South, and the vehement argument between these three great portions of the Union by their representatives, upon the character, claims, and merits of each or more properly upon the claims which the two Atlantic sections severally have upon the confidence of the West. It was truly a strife of mighty minds and each champion bore himself greatly in the conflict. It is in contemplation, as I learn, to publish the whole debate in a pamphlet form, which will, I doubt not, be most extensively circulated, read and admired.

Nothing can more clearly demonstrate the general consciousness of the rising power, and approaching ascendancy of the Western portion of the Union than such an argument. It seems conceded that the sceptre of dominion is passing westward rapidly, and that the Atlantic States are contending already, which shall stand first in the elections of their future rulers.

In listening to these discussions, it is a subject for grave reflection and regret that such controversy should ever find admission into the halls of congress, and that there should exist subjects for legislation, which give rise naturally and unavoidably to such deplorable results, arraying one portion of the union against another, re-kindling party animosities and creating discordant interests and weakening the bonds of mutual affection which it was the object of the Union to tighten and preserve. The disposition of the public lands is one of the most perplexing and difficult to adjust of any of these questions, and perhaps the most dangerous, unless approached in a spirit of mutual concession and compromise.

There are notoriously doctrines on this subject, abroad in the Western States, hostile to the entire title of the General Government to hold land within the limits of any State. The Governor of one of those States, in an official communication to the Legislature, has broadly asserted this claim, and there is little doubt but that the opinion is gaining ground. There is yet no strong party formed maintaining this doctrine, and the leading citizens who represent the West, disavow it to that extent. The political ascendancy has not yet passed over to the Valley of the Mississippi, and while the power of resistance remains with the Atlantic States, such a claim would be unanimously resisted. But her great increase of representation which the next census will give to the Western States, renders the possibility of such a conflict as must inevitably ensue, were such a claim formally advanced, fearful to contemplate, and earnestly to be avoided. Now then while the power is in our hands, it seems to be true magnanimity and sound policy to settle the question on amicable, conciliating, & liberal terms; to grant these lands to those States, within whose limits they lie, in such a spirit of indulgence and compromise, and for such reasonable consideration, that the payment may not be onerous to them, and that the whole fund may be thus finally and harmoniously disposed of for the common benefit of the union, increasing its strength by building up flourishing communities in the west, and perpetuating the blessings of the Union of the States, by multiplying their mutual dependencies, for mutual benefits. To produce this desirable object appears to be the policy advocated by Mr. Hayne as the most conciliating to the west, as it certainly receives the greatest benefit of all. It is understood to accord with the views of the Administration, and hence the hostility of Mr. Webster and the minority in the Senate under his control. Such harmony among the different portions of the friends of the administration in the South and West, is ruin to the political views which the opposition are known to entertain, and therefore the violence of Mr. Webster's assault upon Gen. Hayne, therefore the fierceness with which he denounced the South, while he courted the West.

Upon the conclusion of Mr. Webster's speech on Wednesday of last week, the floor was occupied by Mr. Benton, who did not conclude until Tuesday last. He was followed by Mr. Sprague, of Maine, who spoke all day and next. Mr. Rowan, of Kentucky, succeeded, and had not finished when the Senate adjourned. He is to continue on Monday. I observed Mr. Smith of S. C., Mr. Bell of N. H. and Mr. Holmes of Maine, and Mr. Hayne, taking notes, and expect them severally, to take part in this Debate.

The Senate is now full except Mr. Troup, who was called home by a domestic affliction, and Mr. Adams the new Senator from Mississippi, who has not yet taken his seat. The nominations are before the Senate, and of course are discussed with closed doors. Enough, however, transpires, to make it generally understood that the opposition, 21