GAZETTE.

VINCENNES.

SATURDAY, JANUARY 23, 1841.

CAUGHT AT LAST.

The scoundrel Perot, alias Monsieur Louis Rollet, alias Hurburd Coligney, and divers other names, (the lost he assumed at this place,) arrived here some two weeks since, it is believed, in the stage from Louisville, Ky. Soon after his arrival, he imposed himself upon several of our most respectable citizens as a Marquis, (one of the second order of nobility in France, and in England his title would place him next in rank to a duke.) His general appearance as to dress, was rather at war with his high pretensions, which was overbalanced by the show of fingerrings of great value, set in diamonds, several of which he made it a point to show whilst carelessly brushing his hair, a splendid gold Lapine watch, a cross of the Legion of honor, and a fine blue cloth cloak, assisted by an acquaintance with several languages, and a traveller-like suavity, common to Frenchmen of the upper-crust order, made him an object of interest and attention to some of our gullible, but well-meaning and otherwise intelligent citizens. While spending the evening at the house of one of our citizens a few evenings since, one of the company, a lady, picked up the National Intelligencer of the 5th January, when the description of the rascal caught her eye, and at once showed them the true character of the pretended Marquis. He acknowledged himself to be the man alluded to, but to consummate and heighten the highest degree of meanness to robbery, he endeavored to fix a stain upon the lady's reputation whom he robbed by asserting that he became acquainted with her at the Opera. "She had one very pretty eye—she had one very pretty cheek—she talk French—I talk French—I talk love, she look sweet—I talk sweet, she like me—I like her much, very—I go home wid her, I stay one, two week—I lend her money, some six hundred dollar—she gave me de ring, de watch, de every ting you see—dat's all." The scape-gallows never saw the lady perhaps before the day he robbed her, nor since. It is certain the lady did not know *him*, or she would not have described his hair as being dark. He has light brown hair. He gave up the articles which are mentioned in the advertisement, and promised to remain until the matter was investigated, but on Thursday he took French leave, when several of our citizens started in pursuit, and he was overhauled at a ferry on White river, by Gen. John Myers, brought back to town, and is now in jail awaiting for the persons to identify the stolen articles. He cannot be detained longer than thirty days on the present charges, according to our statute.

Napolean Bonaparte.—The remains of this once great man was exhumed on the Island of St. Helena, on the 8th of October last, with great ceremony. The body was in a perfect state of preservation, it having been carefully embalmed by a French chemist, since the 5th of May, 1821. The body which was shipped on board the Belle Poule, arrived recently in France.

A bill has passed the Senate of Alabama for the election of members of congress by general ticket.

It is said that there is a stove in Louisville, the draught of which is so great, that it drew itself up the pipe, then out of the chimney, and finally the house after it.

We see by the last Terre-Haute Enquirer, that it is about taking its last gasp. Poor thing—it dies hard, like every *thing* tinctured with infidelity. We did not think that the good people of Vigo would long endure so vituperative, low, filthy a concern.

☞ N. Jackson, a colored man, and a good Violinist requests us to say that he will give a few touches on the Violin this evening at the Broadway House for the amusement of all those citizens who may feel disposed to call and see him. We have been told of Jackson's music on the Violin, and it has been said by those who did hear him that they will never forget the emotions of delight which stole over them when he went through some of his most delicate strains. Reader, if there is any music in thy soul, go and hear him.

Awful Disease.—The Huntington Advertiser, West Tennessee, states that a disease doubly as fatal as the Cholera, lately made its appearance in an adjoining county. It is said to be contagious, and its victims live but from one to four hours after being attacked. Many are leaving town.

FOR THE VINCENNES GAZETTE.

MR. CADDINGTON:—I see in the Vincennes Sun, an article signed "Vox Populi," in which, HONORABLE MENTION is made of our Senator and Representative. It charges them with the MOST HEINOUS OFFENCE of suggesting to the Whigs the importance of acting at the coming Congressional election, with union and concert. This article was evidently written by a loco foco. It is a Van Buren *trick* to produce a division in the Whig party. I would say to the writer that, "HE CAN'T COME IT." The Whigs are not so soft as to be gulled by the shallow artifices of so puny a trickster. Were we threatened with a foreign invasion, this writer would have every man shoulder his musket, march out singly, and fight the enemy on his own *hook*. It would be very wrong for the people to meet together, choose a captain and act in concert against the foe. I believe that our opponents advocate principles dangerous to our liberties, and to defeat them, we must harmonize. Did not the Van Buren party nominate their candidate at the last election? And what was the result? Their nominee beat our worthy fellow citizen John Ewing, over 1200 votes. Now this Van Buren writer, knowing that John W. Davis cannot be re-elected unless there is a division in our party, tells the Whigs it is *wrong, very wrong indeed* to concentrate their votes upon one candidate. But he is cunning enough, not to tell them, that if they divide as he wishes, it will elect Mr. Davis. We have elected General Harrison, and it is nothing more than justice to elect such a Congress as will give him a FAIR SHAKE. A WHIG.

Knox county, Jan. 22d, 1841.

From the Indiana Journal.

LEGISLATIVE.

On Saturday, Mr. Smith of F., chairman of the committee on canals and internal improvements, made a report of great length and interest, in relation to the public works of the state, accompanied by a bill for the classification and further prosecution of the works. The bill provides that the works shall be divided into three classes, as follows: The White water canal from Brookville to the National road, the Madison and Indianapolis rail road from Vernon to Edinburgh, the New Albany and Vincennes turnpike road from Paoli to Vincennes (except the metaling and bridges over the two branches of White river) and the improvement of the rapids of the Wabash, to constitute the *first* class. The Michigan and Erie canal, the Northern division of the Central canal, and the rail road from Edinburgh to Indianapolis, to constitue the *second* class. The southern division of the Central canal, the road from Jeffersonville *via* New Albany to Crawfordsville, the road from Indianapolis to Lafayette, the metaling and bridges over White river on the Vincennes and N. Albany road, the Whitewater canal from the National road to the mouth of Nettle creek, and the connexion between the Whitewater canal and the Central canal to constitute the *third* class. It further provides that neither of the works in the third class shall be prosecuted until those in the first class are completed and the same in relation to the third class until the second are completed; it also authorizes the Fund Commissioners to sell state bonds bearing six per cent. interest either for cash or to persons who will undertake the completion of the works. The Wabash canal south of Lafayette is not provided for in the bill, from the belief that the state will acquire sufficient lands from the General Government to complete it; in that event the committee recommends the entire separation from the 'System,' and to be prosecuted as fast as means are obtained for that purpose.

Mr. Morgan, from the minority of the modification committee, made a report adverse to the report of Mr. Jones from the majority of the same committee, made some days since, which was accompanied by a bill to modify the system of Internal Improvement. This bill provides that the works shall be divided into five classes, as follows: The White Water Canal from Lawrenceburgh to the National Road, and the Madison and Indianapolis Rail Road from Madison to Edinburgh shall constitute the first class. The New Albany and Vincennes Turnpike, the northern end of the Central Canal from Indianapolis to Kilbuck summit, including the Muncey town feeder, the Cross Cut Canal between the Eel river feeder dam and Terre Haute, and the Madison and Indianapolis Rail Road between Edinburgh and Indianapolis, shall constitute the second class. The southern division of the Jeffersonville and Crawfordsville Road between Jeffersonville and Salem, and the northern division between Greencastle and Crawfordsville, the Indianapolis and Lafayette road between Crawfordsville and Lafayette, and so much of the northern division of the Central Canal as is not included in the second class, shall constitute the third class. The Erie and Michigan canal shall constitute the fourth class. And all the works not included in either of the foregoing classes shall constitute the fifth class. The bill further provides that the fund commissioners shall dispose of the securities taken for State bonds now sold, and apply the proceeds to the prosecution of the works; and they are also authorized to sell bonds to contractors on the works in payment for labor performed, not to exceed two hundred thousand dollars, for the year 1841, bearing 6 per cent. interest. The House was engaged the whole afternoon of Saturday in committee of the whole on the bill "to value the property of the State," and the "bill prescribing the duties of County Auditor." These are a series of bills which are designed to revolutionize the present mode of assessing and collecting the revenue of the State.

MR. DEFREES' REPORT

House of Reps. Dec. 29, 1840.

The following report was made by Mr. Defrees from a select committee appointed to inquire into the circumstances and facts in relation to the decision of the Speaker, by which certain proceedings were taken from the journal of the house on the 10th ult. We publish this report as an act of justice to the Speaker, whose conduct has been grossly misrepresented in this transaction. It has been gravely asserted by letter-writers and others, that the Speaker laid violent hands on the journal and deliberately *tore out the proceedings* alluded to! We are prepared from our own personal knowledge to say that this is totally false, and that the circumstances detailed in the report below, are literally and strictly true. We have not the shadow of a doubt but that the Speaker acted upon that occasion without any desire to do violence either to the constitution or the rights of any individual concerned.—*Ia. Journal.*

MR. SPEAKER:—The select committee to whom was referred the preamble and resolution in relation to the proceedings of the house, and the decision of the Speakor thereon with certain instructions, introduced the 8th inst. have given them their consideration and now submit the following

REPORT.

That, in the discharge of the task assigned them, it is not their design to go back to the origin of the transaction which has given so much difficulty the present session of the legislature. They are not required by their instructions to do so, and if they were it is unnecessary, as it is presumed all are informed in regard to an act unprecedented as it was unjust.

The first inquiry presented by the instruction given your committee, is, "did the Speaker of this house invite an appeal from his decision at the time it was made?" To answer this inquiry in the affirmative, it is only necessary to take a view of the facts as they occurred previous to, and at the time mentioned in the preamble and resolution under consideration.

On the 10th day of December, inst., Mr. Smydth, of Daviess, offered for adoption a preamble and resolution. The question was stated by the Speaker. A motion was made to indefinitely postpone; the ayes and nays were demanded and taken, and the motion was decided in the negative. Mr. Walpole then moved an amendment, and while the motion was pending, it was moved and carried that the resolution and amendment lie on the table. On the 14th inst., a motion was made to reconsider the vote, that the resolution and amendment lie on the table, and such motion to reconsider was adopted by consent. Pending the question which then recurred, that the resolution and amendment lie on the table, Mr. Walpole asked leave to withdraw his amendment which was granted by consent. The question was then put to the Speaker whether the proceedings should be withdrawn from the journals? The Speaker took time to consider, and some hours afterwards decided that the resolution and amendment being withdrawn, the whole proceedings *should* be withdrawn from the journal. At the time the Speaker made this decision, he, *in clear and express language stated his* wish that on account of the difficulty as well as importance of the question, some gentleman would take an appeal so that the house might decide. An appeal was made by two members, a gentleman of the majority, and a gentleman of the minority; but the first, Mr. Robinson, stated that he was satisfied with the opinion of the chair, and only asked an appeal to gratify the desire of the Speaker. A gentleman of the minority, (Mr. Boon,) then expressed his opinion that the appeal was not necessary, and was understood also to express his assent to the decision of the Speaker. Upon this suggestion from Mr. Boon, the appeal was withdrawn, and the opinion of the Speaker thus being tacitly assented by all the members, the Speaker directed the Clerk to withdraw the proceedings on Mr. Smydth's resolution from the journal.—So soon as this direction was given by the Speaker, a member of the minority, (Mr. *Henley,*) rose and stated that he would enter his protest against the decision and order of the Speaker. *Mr. Henley was present during the whole of the above procedure!* The promised protest was not offered by Mr. *Henley*; but, instead thereof, the preamble and resolution under consideration was presented by the gentleman from Orange county, on the 18th inst.

A comparison of the above recited facts with the last part of the preamble, will show conclusively that the preamble does not set forth the truth of the case, as a part of the truth is suppressed. By such suppression great injustice is done the Speaker, inasmuch as by it means are sought to represent his conduct as despotic, when, in fact, he anxiously invited a full discussion of the question and an expression of the will of the house, and only decided on his own opinion when the house had, after full time for consideration, declined the appeal and assented to that opinion.

The resolution under consideration denounces the decision of the Speaker as "unwarranted by well established parliamentary usage, and in direct violation of the 9th section of the 3d article of the constitution of this state."

In order to see whether this denunciation be in the least deserved, it may be well to examine that decision and see how far it is sustained by precedent drawn from the proceedings of the highest legislative assembly in our country, and how far it is sustained by good reason.

The constitution of the United States contains a provision requiring "each house of congress to keep a journal of its proceedings," in the same manner as does our constitution. What has been practised under it in congress may be well quoted as good authority for the government of this house. In the year 1806, under the administration of Mr. Jefferson, a memorial was presented to the Senate from certain persons then under conviction for offences committed against the laws of the United States. This memorial reflected strongly on the conduct of the President, and its tenor was entered on the journal by the Secretary. On the same day it was, on motion, erased from the journal, and the power of the Senate to do so was undisputed, because it had the control of its own journal during its session.

A similar procedure occurred in the house of congress on the 22d February, 1822. Mr. Randolph of Virginia, learning that Mr. Pickney had that day died in the city of Washington, rose and moved that in consequence thereof, as a mark of respect, the house should be adjourned until the succeeding day, which motion prevailed and was spread upon the journal. It so happened that Mr. Randolph had been misinformed, and that Mr. Pickney was not dead at the time, and on the next day the proceedings were erased from the journal. Thus it appears that the precedent first quoted, that even the rejection of a memorial is not such a proceeding as should be placed upon the journal, and by the second, that a resolution, after an affirmative action of the house, may be erased from its journals; then, if this be true, and it cannot be doubted, with what propriety can it be contended that a resolution and amendments withdrawn before they receive the concurrence of the house, should not be also withdrawn from the journal? It cannot be so contended with the least semblance of reason.

In commenting upon the power which each house of congress has over its own journal during its session, it has been properly remarked by a distinguished statesman, that "while the constitution requires each house to keep a journal of its proceedings, it does not direct how that journal is to be kept. The manner of keeping it, what shall be put upon it, and what not, the nature, the form, the fullness of the entries, are all left for the regulation and control of the body whose duty it is to keep a journal. In these respects, there is a great diversity of usage among legislative bodies. By some the whole bill, when presented for action, is spread on the journal, and by others, only the title of the bill is entered."

Let us examine the correctness of the decision, aside from the above precedents. The house is required to keep a journal of its proceedings. Courts of record are required to keep a record of their proceedings. Every lawyer well knows, that when, pending a cause, a plea or demurer is withdrawn, it and the proceedings dependent on it are not entered in the complete record. This undoubtedly is, because, in contemplation of law there is not any proceeding. So in legislative action, if a motion is withdrawn before any affirmative action, it need not appear on the journal, because there has not been any action by the house; because indeed nothing has been done. This view is in accordance with the rule of the house, that, "before the decision or amendment, the motion may be withdrawn."—Will the refusal of the house to amend, preclude the mover from withdrawing his motion? Assuredly not, for there has not been any amendment. Nevertheless in one sense, there has been a decision. The house has decided to refuse the amendment. This example fully illustrates the meaning of the term '*decision*,' in the rule. It shows that that word means affirmative action, not a refusal to act the doing something, not the refusal to do a particular thing. In other words—until the house has decided to something: either to dispose of or to amend the motion, the mover may withdraw it. In the case under consideration, no amendment had been made, but the house had refused to postpone the resolution. Is that refusal to postpone, such a decision on the resolution, as brings the case within the rule? Would a refusal to amend bring it within the rule? No, because only an amendment would have that effect. If a refusal to amend is not a decision, in what is a refusal to postpone different? Wherefore shall the one be deemed not a decision, and the other be deemed a decision? If this view be correct, Mr. Smydth's resolution was without decision and without amendment, and being so, might according to the rule, be withdrawn. What then is intended by the term '*withdrawn*,' in the rule? We know the meaning of its ordinary acception; we know its meaning, as shown above, in legal proceeding, is similar to that in its ordinary acceptance; wherefore should its meaning in legislative proceedings be different? In all these cases it means to take away; and such is its ordinary meaning at the Clerk's table according to every day's practice. Almost daily, often repeatedly the same day, motions are made and seconded, and are stated to the Speaker; whereby according to the rule they are in the possession of the house; nevertheless, motions thus situated are constantly withdrawn without insertion on the journal. If it is said in such cases, it is done by unanimous consent, we reply, that unanimous consent cannot discharge the obligation of the constitution. The constitution does, or does not require the motion to be journalized. If it does require it, consent cannot excuse the performance of the duty. Hence we may infer that, according to the uniform practice of the house, motions previous to decision, are not deemed proceedings of the house if withdrawn.—It is then asked, if an entry on the journal in such case, is not required by the constitution, whence the practice, if any such there be, which requires the consent of all the members to withdraw from the journal the entry made on a motion withdrawn? Where is the rule?—There is no rule, and there is no such well-founded practice.

In the opinion of the committee, Mr. Smydth's resolution was actually withdrawn from the house, not only from its action, but from its possession. It ceased to be in the possession of the house. It could not form any part of the journal; and it would be strange indeed, if when the resolution, the principal is withdrawn, negative proceedings on it, mere attendants, which could have been without it, could remain.

Whilst the committee contend that a legislative body, has a complete control over its own journal during it session they want it distinctly understood that they deprecate the doctrine advanced a few years ago, that a subsequent legislative body can constitutionally '*expunge*' the proceedings of their predecessors. It can have no control over the journal of the preceding legislature—because the very moment of final adjournment, the entries which have received its sanction, become a complete record of its proceedings and cannot be expunged without a violation of the constitution.

The committee are instructed to inquire "whether at the time at which the decision was made by the Speaker was not the proper time to test the sense of the house, as to the propriety of that decision, by taking an appeal therefrom," and, if so, the failure at this time to take such appeal was not equivalent to a unanimous acquiescence to the decision of the Speaker."

The committee are of opinion that, when a decision of a question is made by the Speaker, the only proper course to be pursued by those dissatisfied with it, is to take an appeal immediately. Failing to do so at the proper time, the subsequent introduction of a resolution condemnatory of the very decision thus tacitly acquiesced in, cannot, it seems to us, be justified. This applies to ordinary cases—but, the one under consideration is of unusual character, inasmuch as the Speaker expressed doubts himself as to the correctness of his decision and called upon the house for an expression of its opinion as above recited. Under such circumstances the introduction of a resolution denouncing the decision of the Speaker as unprecedented and in violation of the constitution, must be viewed in no other light than the prompting of disposition to seek every opportunity, no matter how unjust, to censure the conduct of one who has, in the discharge of his official duties, evinced no other feeling than should actuate an individual occupying his station.

Aside from the above arguments in support of the decision made by the Speaker, there is another view of the matter which cannot but convince all unbiassed by *partizan feeling*, that the preamble and resolution under consideration should not be entertained by this house. It is this: all must admit that, by unanimous consent, the house can control its own journal. When the Speaker expressed his opinion that the proceeding should be withdrawn from the journal, and the house refused to appeal, that refusal amounted to a unanimous consent. Can it be supposed then that the house will now condemn the Speaker for its own action, as in fact the decision complained of was made the act of the house, by its concurrence therein. The committee then, conceiving the decision of the Speaker to have been correct, especially when acquiesced in by the house—and because the preamble suppresses several facts attending that decision, with a view of setting the Speaker in a false position before the country, and because the resolution wrongfully denounces that decision, as a violation of the constitution, it is the opinion of the committee that they are unworthy the regard of the house and should be rejected.

Pretty Fair.—A London paper says that a Yankee has offered Congress to build ships of India rubber, containing more valuable properties than either wooden or iron vessels. Congress is said to have thrown every discouragement in his way, fearing that in sailing across the *line*, the ships may *rub it out!*

Scandal.—A Mr. Filzpatrick recovered the sum of $10 damages at Boston last week, of a Mrs. McClean, for having said "that such a likely man as Mr. Fitzpatrick ought to be ashamed of himself for marrying Mrs. Fitzpatrick, when she knew she had been too familiar with John Dorrety."

Appointments by the President.

By and with the advice and consent of the Senate.

OFFICERS OF THE CUSTOMS.

John A. Parker, Collector, Tappahannock, Va., vice Robert S. Garnet deceased.

SURVEYORS.

Jacob P. DeForrest, St. Louis, Mo., vice Nathan Ranney, resigned.

Ebeneezer H. Stacy, Gloucester, Mass. vice John M. Moriarty, resigned.

Ezekiel Foster, Eastport, Me., vice Charles Peavy, whose commission expired on the 8th of December, 1840.

LAND OFFICERS.

Registers.

James McKissack, Fayetteville, Arkansas, from 27th December, 1840, when his late commission expired.

Lewis B. Tully, Batesville, Arkansas, vice Thomas Johnson, resigned.

John Gardner, Winamac, Indiana, vice Edward A. Hannegan, resigned.

John V. Ingersoll, Mineral Point, Wisconsin, vice John P. Sheldon, removed.

Enos Lowe, Burlington, Iowa, vice A. C. Dodge, resigned.

Cesaire Delahoussaye, Opelousas, Louisiana, vice Robert N. Kelly, resigned.

Lewis B. McCarty, Demopolis, Alabama, vice Thomas Simpson, resigned.

RECEIVERS OF PUBLIC MONEY.

Thomas Scott, Vincennes, Indiana, vice John Law, resigned.

Samuel Merry, St. Louis, Missouri, from 23d December, 1840, when his late commission expired.

William C. Grawly, Augusta, Mississippi, vice A. H. Hall, resigned.

Samuel Crawford, Kaskaskia, Illinois, vice Edward Humphreys, deceased.

Elijah H. Gordy, St. Stephens, Alabama, vice Theodore J. Wilkinson, deceased.

Lunsford R. Noel, Danville, Illinois, vice Stenson H. Anderson, declined.

James H. Elliot, Winamac, Indiana, vice Jesse Jackson, deceased.

Paschal Bequette, Mineral Point, Wisconsin, vice David W. Jones, resigned.

Thomas Womack, Greensburg, Louisiana, vice William Bickham, resigned.

A polite Dun.—The Editor of the Amoskeag Representative says he has just printed a very neat blank *receipt*, which he invites his patrons to call and examine.