

RESOLUTIONS

OF THE

LEGISLATURE OF NEW YORK,

*In favor of Expunging a certain Resolution from the Journal of the Senate.*

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JUNE 28, 1836.

Read, and ordered to be printed.

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STATE OF NEW YORK,

IN ASSEMBLY, *January 26, 1836.*

Whereas the Senate of the United States did, on the 28th day of March, 1834, adopt a resolution in these words, viz :

“ *Resolved*, That the President, in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both.”

And whereas such act is regarded by the Legislature of the State of New York as an assumption of power on the part of the said Senate, and a usurpation of the constitutional powers of the House of Representatives, calculated to subvert the fundamental principles of our Government: therefore,

*Resolved*, (if the Senate concur,) That the Senators of this State in Congress be, and they are hereby, instructed to use their best efforts to procure the passage of a resolution directing the aforesaid resolution to be expunged from the journal of the Senate of the United States, in the manner indicated by a resolution pending in the House of Delegates of the State of Virginia, on the 4th day of January instant, to wit : “ by causing black lines to be drawn around the resolution as it stands in the original manuscript journal, and these words plainly written across the face of the said resolution and entry, ‘ Expunged by order of the Senate of the United States ;’ or in such other manner as may be best calculated to attain the object intended.”

*Resolved*, That this Legislature regard the right of instruction as founded upon the very basis of representation, and as the natural result of the connexion between constituent and representative ; and, also, that the representative is bound to obey the instructions of his constituents, or to resign the power with which they have intrusted him.

*Resolved*, That the Governor of this State be requested to transmit a copy of the foregoing resolutions to each of the Senators and Representatives in Congress from this State, and that the said Senators be requested to lay them before the Senate of the United States.

By order :

CHARLES HUMPHREY, *Speaker.*

P. REYNOLDS, Jr., *Clerk.*

STATE OF NEW YORK,

IN SENATE, February 3, 1836.

Resolved, That the Senate do concur with the Assembly in their said resolutions.

By order :

JOHN TRACY, *President.*

JOHN F. BACON, *Clerk.*

STATE OF NEW YORK.

*Secretary's Office,*

I certify the preceding to be a true copy of certain original resolutions of the Senate and Assembly of this State, on file in this office.

Given under my hand and seal of office, at the city of Albany, the ninth day of February, in the year of our Lord one thousand eight hundred and thirty-six.

JOHN A. DIX,

*Secretary of State.*