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CONGRESS

OF THE UNITED STATES HOUSE OF REPRESENTATIVES

Monday, Dec. 23.

The motion made on Friday by Mr. Davis, to refer to the committee to whom had been referred the memorial of the House of Representatives of the Mississippi Territory, on the official conduct of Governor Sargeant, the following resolution: (Consolidating a facsimile of unconstitutional laws enacted by the Governor in conjunction with the judges, and of sundry oppressive acts committed by him) viz: "Resolved, that the laws passed by the Governor and Judges of the Mississippi Territory, and the petition of the West and others, heretofore presented to the House, together with all the documents relating thereto, be transmitted to the President of the United States, to be taken up and on the question of reference."

Mr. RANDOLPH, in a tone of voice which did not enable us from our remote situation to hear him, made some remarks on the reference of the memorial of the House of Representatives of the Mississippi Territory.

The SPEAKER said the question was on the reference of the resolutions, and not the memorial. Mr. RANDOLPH replied that his observations had respected a resolution founded on the memorial, and requested that it should be read.

The SPEAKER put the question whether it should be read, which was carried.

The parts of the resolution before the House requested having been read:

Mr. RANDOLPH again rose. I do not find any objection to these propositions, the truth of which may not be substantiated by every member of the House before the House. The first proposition is predicated on the resolutions of the citizens of the Mississippi territory; and with respect to the other propositions, which gentlemen may possibly be true, they would give themselves the trouble of turning to the code of laws for the Mississippi territory, which had been laid before them in an official shape by the President of the United States; they will find no charge founded on them that is not completely substantiated.

I do not consider the resolutions as covering any ground, but referring upon facts, and Mr. RANDOLPH, who introduced the resolutions, ought to be contemplated as discharging his duty as a member of this House, as an individual citizen, and as a neighbour to the oppressed territory. There is no misplaced feeling expressed in the resolutions; on the contrary they contain no more than abstract propositions. I trust, therefore, that this House will not be impatient in the work of referring them. I trust they will be referred to a committee, and that such committee will present their report before the people and the government.

The government was called upon; if it regard its honor, to inquire into these charges. They are high and serious ones; and if true, require immediate and decisive redress. The gentleman from Kentucky ought to co-operate in the accomplishment of this end, without involving in his consideration of the resolution of which you consider himself as the primary object, and of gentlemen as the witnesses.

Mr. OTIS explained. He had made no such motion either to himself, or the gentleman from Kentucky, or whom he had only spoken as of one who had a fatality meaning by that phrase to

PANDOLPH. I did not assert what they had said. I did not say the gentleman had any right to consider himself as the primary object of the House after what I have said, who is officially communicated may have passed. I hope that in any event, effectual measures will be adopted, which shall not even wound the delicacy of gentlemen.

When this officer was appointed, these charges were made and supported, the unconstitutional nature of them was aimed and fortified with deliberate purpose.

Sir, said Mr. Randolph, I never wish to blasphe- mous of justice by directing it against innocence or virtue. I wish it only turned against the guilty. The object of the resolutions is to acquit Governor Sargeant, if innocent; to convict him, if guilty; and not to inquire into his conduct, and to punish it if it is not honourable; and ought this House to promise it?

Mr. HARPER. I apprehend that the honorable member has totally mistaken the course of the resolutions. He was corrected when he rose; but still persists in error. The people who come to be heard; they will be heard; they will have justice. What is the object of the motion? Is it not to embrace a string of resolutions transferring public office? This was the object of it. It was another object. If there be another, what is the motion in the form of a resolution? arising from him the removal of another who has violated his duty; but it offers you a series of preliminary signifying remarks, and ends with directing certain laws, alleged to be unconstitutional, to be transmitted to the President.

What is the object of this? Is he ignorant of the fact that he has not them before we received them?

Are we then by this file wind to hint to the President that we wish the Governor of the Mississippi Territory removed? It would be more consistent to be direct of honour would be the State from Virginia, to come forward fairly and avow with such an address. Such a measure would certainly be novel; but still it might be right.

There were not the plain, fair means for the attainment of so avowed end. The means were very different. They tend solely to the glorification of a public officer.

The gentleman from Kentucky had called Governor of the Mississippi territory, after he reported upon his character, a vein of the ground. The allusion did not answer his purpose, if it did, I will ask the gentleman, whether, if the bill was removed, the great trunk would still

remain. The simile was therefore negatory.

The same question had been before the House at the close of the last session. It had been then offered on the very last day. It had been laid aside. The same circumstances, then existing, attend it still. It is in precisely the same.

The contents of the resolution had gone forth to the world. They had been carried with them that were derived from their having been offered by a member of this House. They struck at the honor and integrity of a man, who to the age of fifty-six years still retained a character, not only unimpeached, but embellished with many virtues. Though this character may be impaired by more recent incidents, since his appointment to the Government of the Mississippi territory, of which Mr. Harper was entirely ignorant, all the charges now made were opposed by the preceding acts of his life.

Upon the whole, if a proper plan be pursued, instead of sanctioning these resolutions by a reference of them, a committee may be appointed, who may inquire extensively into the subject; after reporting to us all the information they can collect, the gentleman from Kentucky can add his, and a just decision be then made. This conduct will be more appropriate than any implied address to the President. For if the charges are true, we should be loath to political interests, and should betray our trusts, if we did not immediately take higher ground; if we did not proceed ad omnes, and impeach the flagrant violator of his duty. And I pledge myself that in such event, if no other member shall, to move his impeachment.

Mr. CLAYBORNE. I cannot subscribe to the charge given to Winthrop Sargeant, by the gentleman from South Carolina; and when that gentleman calls me an ass, I can only tell him that such an opinion is opposed by the united voice of the western world. In this subject I must forbear, for with the whole West of America I have feelings that would give me an expression of sentiments which a member of this House should not indulge.

The gentleman from South Carolina was not truly informed of this subject. The memorial on which some of the charges were made in the resolutions offered by the gentleman from Kentucky, was addressed to Congress, and not to the President of the United States. It was fair to suppose that the President was acquainted with its contents. For had he known them, it were to be hoped, that, for the sake of vindicating the rights of an oppressed people, he would have removed their tyrant.

The gentleman from South Carolina and Massachusetts declare themselves averse to the reference of the resolutions, lest by it they should give a sanction to the charges preferred. But does the House sanction the facts set forth in a petition by referring to it? Do they not, on the contrary, refer for the very purpose of ascertaining them? Was not this the case every day? Was such a resolution or petition on this ground ever before opened? If it had been, it was not since he was a member of the House.

If the resolutions be referred, what will be the effect? If the charges exhibited are found to be untrue, the investigation will terminate in the triumph of innocence; if, on the other hand they are proved to be true, he would proceed further, as far as the gentleman from South Carolina, and apply a constitutional corrective. By a constitutional corrective, he meant an impeachment; and he would not only have this man punished as a tyrant, but he would hold forth his punishment as a terror to others.

Mr. GRISWOLD. The remarks made by the gentleman go to show an imposition in members of this House to investigate the subject. This is not the fact. We say that the investigation is in train of being made. The petition of Caro West, and the memorial of the House of Representatives of the Mississippi territory, have been referred. Under these circumstances, the subject generally is before the committee. To go further at present, would, we say, be wrong. For if we do refer also the facts stated in the resolutions, we take it for granted that they are true, and refer to the committee the expediency of adopting an inference from them. The facts charged might be true, for any thing Mr. Griswold knew. He knew not whether they were true or not.

He knew nothing of Winthrop Sargeant; he was no acquaintance of his. But Mr. Griswold said, he was swayed by higher motives than those which were personal. He knew that the House had no right to pass censure upon any man, until his conduct had been fairly investigated and his criminality proved. Then, and then only, had they a right to pronounce upon the character of any man.

Never before had he seen a resolution prefaced by such a number of whereas's, only tending to place the character of this man upon the rack. This was in reducing an old principle; a principle which it was our boast that we had discarded. A rank was brought into the House, not, as of old to rick the body, but what was bill worse, to rack the mind.

Gentlemen say the charges are either true or false; if false, refer them to a committee, and that committee will on enquiry tell you so, and thus you will get rid of them; and if true, they ought to be referred upon this House. But who could depend upon their truth? Few members had investigated them in such a way as to form an honest conviction. If they shall appear to be true, after a faithful enquiry, the course proposed by his friend from South Carolina ought to be taken. The culprit should be summoned before the bar of this House, and he should be impeached.

Mr. GRISWOLD concluded by repeating that he was against the resolutions, not because he was averse to an investigation, but because he felt averse to censure any man for offences uninvestigated and unproved.

Mr. HARPER here explained what had fallen from him in a previous part of the debate. He had not said, or, if he had said, it had not been his design to say, that these resolutions were intended to traduce the character of an individual, but that such were their effect. He knew nothing about the intention of the mover.

Mr. DENNIS thought the question then before the House an improper one. For whether adopted or rejected, it would inadequately express the opinion of members. On the one hand, it was contended,

that if agreed to, it would contain a sanction of the truth of serious charges against the character of a public officer; and if rejected, it would express an opinion that those charges were false. Mr. DENNIS, who was not prepared either to approve or condemn the conduct of Winthrop Sargeant, hoped the House would pursue another course; and if in conformity to his wishes, the resolutions then offered should be dismissed, he would himself propose a more general resolution, for the appointment of a committee to enquire into the official conduct of Winthrop Sargeant, and report to the House the result of their enquiries. Such a resolution would convey neither approval or censure; and it would be free from that long string of preambles, which prefaced the present resolutions. These were certainly improper; for whatever gentlemen might concur in certain general resolutions, few men agreed in all points in the reasons assigned for any particular fact.

Mr. CRAIG thought the object of the resolution itself improper. He desired to know in what part of the constitution was to be found the right to move for the dismissal of a public officer, or to impose a censure upon him? What was the view of the mover of the resolutions? He had not said that his object was to impeach. On the contrary, his real object appeared to be, to obtain from this House an expression of their censure against a high public agent; and by the expression of such censure to effect his removal. Such a step would be improper. It involved in it the exercise of powers which we did not possess. The object of the gentleman, as professed, was to communicate information to the President, who also was authorized by the constitution to remove a public officer, even by impeachment.

Mr. DAVIS. The objection to these resolutions has assumed various forms. One gentleman is flustered as the long preface, another is alarmed at the number of whereas's, and others say that, by referring them, you will sanction the truth of the charges. This was not the case. They stand upon the same footing with any petition presented, which always contains some facts, to set forth of which a reference is justifiable made. The reference amounts to nothing more than a acknowledgment by this House that it is their duty to hear the complaints of the people, and when heard to enquire into their truth. Will not the committee, when appointed, compare the charges made with the facts that are proved, and from such a comparison make a report; and will not that report be open to examination, revision and amendment by any member of this House?

The gentleman from South Carolina, as was usual with him, had made remarks on this subject, without knowing where to begin; and had asked if he was complained of had not been presented by the President to the House? It was certainly true, that they had been so presented. But this was saying very little for the President; when it admitted that the President had seen the laws, that violated the constitution, and ordered the people, without consulting the officer, who had signed unconstitutional laws, and exercised flagrant oppression.

The gentleman from South Carolina had called the charges contained in the resolutions mere assertions. Mr. DAVIS denied the truth of the remark. There was not a charge made that was not proved. If he had told the House that he had laid hold of the threads of a conspiracy, he might have been charged with making mere assertions.

Mr. DAVIS was not acquainted with the early character of Winthrop Sargeant. But he was acquainted with the more material, with the late and present character. He did know that in his recent actions, he had exhibited the character of a tyrant. It was very probable that before he was corrupted by power he was a virtuous man. But with sin, as with many other men, no sooner had he got power, than he assumed the character of the tyrant, and oppressed those whom he had been appointed to protect.

Mr. DAVIS cared but little for the present fate of his motion; for let the House decide as it would on this day, a proper division would soon be had. The reign of terror in this country would soon reach its end.

Mr. MACON. The subject already referred does not embrace the contents of this resolution. The memorial from the House of Representatives of the Mississippi territory only relates to the election for Washington county, and the conduct of the Governor in relation to it; whereas the charges on which this resolution is founded are numerous and dissimilar.

The subject had been, last session, introduced at a late day, and had from that circumstance been laid aside. He was then convinced, and still was convinced, that the charges are true. They are specially stated and supported by a reference to their proofs. Can more be required? Why not then refer them? Will not a committee enquire into their truth? And should they be found untrue will not the committee say so? A reference precluded the only course whereby justice could be done to those who complain, and the country at large and to the individual criminal.

It appeared to Mr. MACON that it became that House to be the more attentive to these charges, as they came from a territory, unrepresented in our federal councils.

Gentleman say, impeach this officer, if guilty. Could there be a more appropriate mode of leading to this effect, than by the appointment of a committee, on whose reported statement of facts the House would be justified in acting?

This had been the uniform mode. It had been practiced in the case of the failure of the Western expedition under St. Clair. A committee, had been appointed to enquire into the subject; though he granted that he did not recollect that the word whereas, (so much objected to on this occasion) had been there used.

Nothing had been more common than to appoint a committee, and then give them certain instructions; this resolution was nothing more. But we are told from all quarters that we cannot pass the resolution without sanctioning the charges and staining the character of Governor Sargeant. It was not so. Gentlemen were mistaken. A reference involves no opinion, other than that a subject may be better investigated by a select committee than by this House.

Mr. HARPER asked whether it was in order to amend the resolution.

The SPEAKER answered that it was.

Mr. HARPER. I then move to strike out the whole of the preamble, and so much of the resolution that follows, as to make it read, (we are substantially shown not verbally correct) "that a committee be appointed to enquire into the official conduct of Winthrop Sargeant, which shall be authorized to send for persons, papers, and records."

Mr. HARPER declared his object was to bring about an impeachment of Governor Sargeant, if he appeared on investigation to be guilty.

Mr. CLAYBORNE said he admired the object avowed by the gentleman from Massachusetts; but he then rose, to ask the Speaker whether the amendment was in order.

The SPEAKER said it was in order.

Mr. EGGLESTON. I hold in my hands the rules of the House, where I find it declared that a motion for continuing shall include all amendments.

The SPEAKER after some hesitation, said it certainly was so.

Mr. RUTLEDGE said gentlemen all seemed to agree as to the essence of the case; but to differ on the mode. He thought the influence referred to by the gentleman from North Carolina fully in point, and altogether against him. In that case a committee had been appointed, barely to enquire into the cause of the Western expedition. The resolution had not been prefaced by a long preamble; it had not ascribed motives of cowardice, or other reprehensible motives to general St. Clair.

The subject seemed to be entangled by the rules of the House. He approved the mode recommended by his colleague; and for the purpose of attaining that he would move the previous question.

The previous question was the previous question, viz: "Shall the main question be now put?"

Which passed in the negative—Ayes 36. Nays 48.

Mr. HARPER then moved to strike out the preamble.

Mr. MACON moved a postponement of the question till to-morrow—motion lost.

Mr. KITCHELL moved an adjournment.

Mr. THATCHER. If we adjourn till to-morrow, when we meet then, what will be the question before the House? We have decided that the main question shall not be put. Can that then be the question? Where will it be? Where shall we find it?

Mr. HARPER called to order, on a motion to adjourn there could be no debate.

Motion for adjournment lost.

Mr. DAVIS moved a commitment of amendment to a select committee.

The SPEAKER declared the motion not in order, on a motion to strike out the preamble, and to amend the resolution, by striking out the motion of the gentleman from Kentucky and South Carolina to a committee.

The SPEAKER said a vote on the main question had just been put.

Mr. EGGLESTON said the vote had been on the previous question, and not the main one.

The SPEAKER acknowledged that it was so, but declared the proposition of Mr. Dent out of order.

The question was taken on striking out the preamble, and carried, 48 members rising in the affirmative.

Mr. HARPER then moved to amend the concluding resolution moved by Mr. Davis, by striking it out, and introducing in its room the motion already stated, made by Mr. Harper.

Mr. RANDOLPH desired to know, whether it was in order to move an amendment to the amendment of the gentleman from South Carolina.

The SPEAKER said it was in order.

Mr. RANDOLPH then moved the reference to the committee of the laws, documents, and other papers accompanying them.

The SPEAKER said that appeared to him to be the amount of the original resolution.

Mr. RANDOLPH replied that the original resolution was for the transportation of them to the President.

The SPEAKER acknowledged that it was so; and stated the motion of Mr. Randolph.

Mr. CHAMPLIN thought the motion out of order.

Mr. HARPER rose to call the gentleman to order. The speaker had already decided the motion to be in order.

The SPEAKER again pronounced the motion to be in order.

A defunct debate ensued between Mr. Randolph, Mr. Griswold, Mr. Harper and Mr. Nott.

Mr. HARPER's motion under consideration:

Mr. RANDOLPH would say, however hazardous the remark, that the House had never been more idly employed than on this occasion. All the gentlemen, who have spoken against the original resolution of the gentleman from Kentucky, say they are agreed as to the thing, but they dispute with tenacity every mode that we point out for accomplishing it. Whichever way we proceed, they ingeniously meet us at every step; and thus they strive to baffle every motion, whose object is a fair and full investigation.

Mr. RANDOLPH thought the direct point should be directly aimed at. The committee proposed to be appointed by this gentleman from South Carolina, unimpeached as to what charges they are to investigate, may be as blind as the gentlemen themselves. He hoped, therefore, the House would compel them to take them into view.

Mr. RUTLEDGE was in this stage of the business opposed to the amendment of the gentleman from Virginia, though he had no objection to agree to it, after the motion of the gentleman from South Carolina was agreed to.

Mr. DAVIS addressed to gentlemen, whether they were serious in wishing to send for persons and papers? could they expect to get them during the session from a country 1700 miles off?

The SPEAKER called to order. The main question was not before the House. Whatever is said must be on the amendment.

(See the last Page.)