

Then, said Mr. Davis, I will say nothing about it, and let down.

The question on Mr. Randolph's motion was then put and lost—Ayes 29.

Mr. CLAIRBORNE moved to strike out of the motion made by Mr. Harper, the words, "to send for persons, documents and papers." His motive was dictated by a desire to obtain speedy justice for the oppressed people. The necessary proofs were before the house. If the committee were tied up from making a report until a message had been sent to, and returned from, the Mississippi territory, he should despair of justice overtaking this man. The committee may certainly immediately inquire into the subject; and from the documents, that would be laid before them, they would be able to act with effect without much delay or great expense. To test the sincerity of gentlemen he moved to strike out those words.

Mr. Harper said that the motion carried an implication that his friend from Tennessee would not be willing to allow; either that a criminal might escape unpunished, or an innocent man be punished. Suppose the committee think the charges insufficient for the object of removal or impeachment, and yet are of opinion that they are sufficient to justify strong suspicion and presumption of guilt; would it not be desirable to invest them with the right of making further enquiry? Suppose, on the other hand, that the charges appear to them true, had not the experience of ages justified the propriety of the maxim *audi alteram partem*? How can this dilemma be surmounted but by imparting to the committee all the powers required for making a full and fair enquiry? Unless this be done you may con- sider the governor without testimony, or dismiss him, though you think him criminal.

Mr. SMITH. If extortion has been practiced by Winthrop Sargeant, if unconstitutional laws have been passed, it is the duty of Congress to interpose its authority, and redress these great evils. In such cases delays are dangerous. He was, therefore, for those measures that provided the most immediate and effectual remedy.

Mr. CLAIBORNE. The gentleman from South Carolina has done justice to my feelings in supposing that I would recoil at the idea of punishing an innocent man. I would recoil at such an idea. But the testimony upon which I stand forbids the indulgence of such a fear. Before the exhibition of the documents I had suspicions; but now I have convictions. The unconstitutional laws, officially communicated, are proofs whose authority I dare not resist. They are before the house. Any member may read them. I deny, pursuing the course I wish to pursue, that Winthrop Sargeant can be punished unheard. The committee, after solemn enquiry, will report to us a statement of facts; on which an impeachment may be grounded; and when impeached, Winthrop Sargeant will be heard in his defence, and your managers may be empowered to send for persons and papers. Let gentlemen, who hesitate on this subject, recollect that a delay of justice is often equal to a denial of it.

Mr. CLAIBORNE's last words were scarcely uttered, when a person in the gallery clapped.

Mr. SERJEANT, said the speaker, see to that man. [The Serjeant went into the gallery and took the person out, without resistance.]

We understand that he was kept in confinement by the Serjeant for about two hours; in consequence of which, and the loss of his horse, which he had fastened to a shed near the Capitol, and which was not to be found when he was released, he that very day obtained a warrant from a Magistrate against the Serjeant at arms for illegal confinement.

Though these circumstances are stated upon what is deemed by the Editor of the National Intelligencer, good authority, yet he declines a responsibility for their accuracy.

Mr. CRAIK wished a full enquiry to be made, and of course thought the committee ought to be empowered to send for persons and papers. This measure, in his opinion, so far from evidencing an indisposition to meet the subject, was the strongest evidence of the sincerity and adherence to justice of those who support it.

Mr. NORT considered (as well as we could hear him) the point in dispute as of little, if any importance.

Mr. GRISWOLD hoped the words would not be struck out; for if they were struck out the effect would then be that the committee should not send for persons or papers. He was astonished at the ideas of some gentlemen. Could they expect this house to be governed by the opinion of any one member who tells them that in his opinion certain facts exist that criminate a high public officer? If the documents are thus decisive, the committee need go no farther. If not decisive, shall they substitute the opinion of the gentleman from Tennessee in the place of their own convictions? He hoped not. If gentlemen are fervent in the expression of their wishes for a fair enquiry, let them give the committee full powers.

Mr. MASON asked gentlemen in favor of retaining these words, to consider the distance to which they would have to send, which was 1700 miles, and to calculate the time occupied in going and returning from the Mississippi territory, and then to say whether a return would not be impracticable during this session. He thought it would, and from this and other reasons was for an immediate enquiry.

Mr. BIRD. It is the intention of gentle-

men that the committee, they will appointed, shall be exclusively guided by those documents, which they as accusers, hold in their own hands? Is this their idea of justice? If it were, he differed widely from them.

Not a proposition had been made by gentlemen who desired such an enquiry as justice prescribed, but had been clogged by the suggestion of imaginary difficulties, and tortured into the most perverse meaning. It was strange that gentlemen of such talents should after wandering so long round a meander, not half an inch in diameter, come at last to the simple resolution, which appointed a committee with common powers. He called them common; for every committee appointed on such a subject have similar powers.

It was presumption to suppose, as the arguments of gentlemen did suppose, that the committee about to be appointed will desire to exculpate Winthrop Sargeant. Was it candid to imply that they would be corrupt? The supposition of a denial of justice went on the idea that they would violate their duty in screening from punishment a criminal.

If the laws are constitutional the committee will say so. But having done this, there remains a duty still more important. They must all go into the intentions of governor Sargeant. How could they be ascertained but by that comprehensive investigation that would be derived from examining persons and papers. Why then deny this authority in the first instance, when it will ultimately be necessary? The ideas on which it was opposed, such as the distance and the time it would require, were frivolous, such as he could neither admit as reasons, or argue from as premises.

Mr. RANDOLPH. The gentleman who has just set down, has impeached with unwarrantable acrimony, the purity of our motives and our candor, because we differ from him on the course proper to be taken on this subject. Mr. Randolph was truly sorry that the gentleman had suffered such an accumulation of rancour to collect in his mind, as he had just poured out upon his side of the house. Every imputation hurtful to a feeling mind had been lavished.

Since, then, said Mr. Randolph, the gentleman has become the censor morum and inquisitor of our hearts, permit me to draw the outlines of theirs.

The gentleman, after an unbroken silence during the whole debate, rises and tells the house, that they spent their time most fruitlessly and idly, and that after wandering for hours round a meander not half an inch in diameter, they had got back to the very point from which they had started. Did that gentleman recollect that the half inch meander of which he spoke, designated the understanding of those with whom he acted, who perpetually moving in a circle, after all their labors, arrived at the point from which they first set out!

Instead of uniting with us in an enquiry into those serious charges you have heard, instead of aiding us with their talents, instead of performing their duty, gentlemen satisfy themselves with holding up before us a mere *ignis fatuus*, under the idea of desiring a substantial investigation, they are converting us into a jury on life and death; and they will not suffer us to take a single step to bring a criminal to justice, without previously possessing the most incontrovertible proofs of his guilt. It is in vain that we answer that we are an initiating body, and that our present measures lead to that stage of the business, in which legal testimony will be required; still deaf to our reasons, they call up expedients that can only tend to defeat the measure, and have the boldness to tell us that we are moving in that very meander which they themselves occupy.

Gentlemen on this subject are unusually hard of hearing. They will not hear, or if they do hear, they will not regard the passage of laws putting money into the hands of the governor and judges; laws warranting various descriptions of extortion; laws violating the constitution of the territory. These grievances are founded in their ears, they are informed of the necessity of immediate redress, of the danger of unredressed oppression; and they still continue to talk of justice, and yet recommend nothing but what will delay, and perhaps defeat it. They may talk then of justice and of their regard to the constitution, as they please; the people will consider a delay of justice as a denial of it; they will say that the present Congress intend to do nothing.

A motion was made to adjourn, and lost. Mr. CLAIBORNE's motion to strike out the words "to send for persons, documents and papers" was then put and lost.

Mr. RANDOLPH moved to postpone the question till the 3d day of March—Lost. The question was then taken on Mr. Harper's amendment by yeas and nays, and carried, there being only 11 nays.

The resolution, as amended, was then agreed to, and referred to Messrs Harper, Claiborne, G. Goodrich, Nott, Davis, Bird, and Otis.

Mr. RANDOLPH moved that the laws passed in the Mississippi Territory, and the petition of Cato West and others, with the documents, be referred to the same committee—Agreed to.

Mr. HARPER moved that the committee, to whom had been referred the memorial of the house of representatives of the Mississippi Territory be discharged, and that the memorial referred to the committee appointed to enquire into the official conduct of Winthrop Sargeant.

TUESDAY, Dec. 24, 1800.

Mr. HARPER observed that experience had proved the existence of some deficiencies, as well as inconveniences, in the provisions of the Bankrupt law. He therefore moved the appointment of a committee to enquire whether any, and if any, what amendments are necessary to be made in an act for establishing an uniform system of Bankruptcy throughout the United States.

Carried, and a committee of three appointed.

Peter Porcupine.

The first number of a Paper, under the title of "The Porcupine," made its appearance in London, on the 30th of October, by William Cobber, late of Philadelphia.—The following Philippic against the Government and People of this Country, is copied from his Prospectus.

"Having, in America, witnessed the fatal effects of revolution; having seen piety give place to a contempt of religion, plain-dealing exchanged for shuffling and fraud, universal confidence, for universal suspicions and distrust; having seen a country, once the seat of peace and good neighbourhood, torn to pieces by faction; plunged, by intriguing demagogues, into never ceasing hatred and strife; having seen a people, once too fond of what they called liberty to bear the gentle sway of a British King, humbly bend their necks to the yoke, nay, to the very foot of a fet of grovelling despots; having in short, seen the crime of rebellion against monarchy punished by the tormenting, the degrading curse of Republicanism; it is with the utmost astonishment and indignation, that I find many of those, who have the pens at their command, endeavouring to bring down on my native country the very same species of calamity and disgrace. Notwithstanding the example of America, and the more dreadful example of France, I find the emissaries of the Republican faction (for such it really is) still preaching fanaticism and infidelity, still bawling for that change which they have the audacity to denominate reform, still exerting all their nefarious ingenuity in sapping the foundation of the Church and the throne. Those who want experience of the consequences, may, for aught I know, be excused for conniving at these attempts; but for me, who have seen acts passed by a Republican Legislature, more fraudulent than forgery or coining; for me, who have seen republican officers of state offering their country for sale for a few thousand of dollars; for me, who have seen republican judges become felons, and felons become republican judges; for me to fold my hands and tamely listen to the insolent eulogists of republican governments and rulers, would be a shameful abandonment of principle, a dastardly desertion of duty. With these sentiments, I resume the publication of a Daily Paper; duly apprized by past experience, of the hostility I shall excite, and firmly resolved to repel it by all the honourable means in my power."

The same Paper contains a long string of Observations on the Convention lately made between the French Government and the Government of the United States, in order to shew that it will operate against England. He concludes his remarks as follows:

"Nay, even on these degrading terms, the like of which no British negotiator would have dared to accede to, the Corsican did not condescend to treat, till he conceived the plan of a Convention that might tend to excite a neutral confederacy. That this was his object, and his only object, is clear from his haste in publishing the convention. When was an instrument of this kind ever before promulgated previous to ratification? And though he might probably be assured that the American President would approve of the conduct of his Envoys, be it what it might, how could he be certain that the sovereign people of that country would be so ready to fraternize with him? The poor sovereign people, with their thirty millions of dollars, seem not to have made a single unit in his calculations. We can assure him, however, that this sovereign people is not such a senseless doll as he may imagine, and that it will require something more solid than the frippery and froth of Citizen Fayette to outweigh the advantages which the Americans know they derive from the friendship of England. Should we be deceived, however; should the people of America be foolish enough to listen to the suggestions of their and our enemies, we know the worst that can happen. Ten stout ships, added to our squadron at Halifax, would in the course of three months, bring the Sixteen United States to our feet, or send them to seek for new constitutions in the pigeon holes of the Abbe Sieyes! We wish most sincerely to live in peace and amity with America, but we know her disposition too well to hope by concessions to preserve her friendship; and we have too intimate a knowledge in her resources to deprecate her anger, or dread her hostility."

Among the interesting occurrences of the day must be reckoned the liberation of the celebrated German Dramatist, A. Kotzebue. As soon as the Emperor Paul was convinced of his being innocent of the political charges exhibited against him by an arduous cabal at the Court of Petersburg, he gave orders for his immediate recall from the remotest parts of Siberia, whither he had been banished. His horses were provided gratis, and a large sum of money ordered him by the undevoted Monarch, for his travelling expenses. This welcome news reached the unhappy exile on the 18th of July, who returned from the wilds of Siberia to Petersburg in nineteen days; the distance is 490 leagues. The Monarch also gave orders to send for the poet's wife and children to Petersburg to receive him; and, to make him some kind of compensation for his captivity and sufferings in banishment, Paul has appointed him one of his counsellors, and granted him for life the possession of an estate of 3000 roubles. Kotzebue, however, uncertain of the duration of the sunshine of Imperial favour, has wisely demanded, and obtained leave to quit Russia.

[From the Aurora] TO THE EDITOR

SIR, The melancholy occasion which carried me to Northumberland has hitherto prevented my noticing the conduct of Gen. Hamilton. To the letter I sent him to Albany, I have received no answer; and I have sufficient reason to believe it was published by himself. I shall be grossly deceived if this will not furnish an additional reason to his friends to mistrust his judgment.

To Gen. Hamilton I owe no account of my future proceedings; but the public may enquire, why this conspicuous offender against the Sedition Law—this Avenger of our first magistrate, should not be called to account? If this favourite law of the anti-republicans cannot protect the character of Mr. Adams—if General Hamilton, the vindictive prosecutor of Fitchingham, may go against the Sedition Law, and abuse the President with impunity, what republicans alone are subjected to its penalties—his Attorney General is directed to prosecute, and the keen eyed zeal of Judge Chase himself is directed upon the offence—what are we to think of the motives which produced this federal safeguard?

From any prosecution of mine General Hamilton is now safe. While there was a chance of Mr. Adams or Mr. Pinckney being called to the Presidency, the experiment was worth trying—whether the conduct of federal judges, and a federal jury, and a federal President, towards General Hamilton, would have been similar to that which republicans have experienced, whose prosecution was directed by Mr. Adams, and conducted under the mild auspices of his honour—Judge Chase.

But the hopes of aristocracy are no more! Neither the manageable Mr. Pinckney, nor the unmanageable Mr. Adams, is called to the Presidency; and how either would have behaved on the conviction of General Hamilton, cannot now be ascertained. I have no motive to proceed. Nor will I continue the administration of Mr. Jefferson by promoting the operation of a law, which he would disdain to assent to the most virulent of his opponents.

Even were this not the case, I should have relinquished the prosecution of General Hamilton, at the ignorance he has shown of what was due to his own character, and to mine. I lament that a man who might have rendered himself highly useful, and truly estimable, should not only degrade himself by gross violations of moral propriety, but become at length so infamous as he appears to be, to the dictates of common politeness.—The experiment I wished to make was worth making. I thought General Hamilton was an object worthy of the experiment. I was mistaken; no man has the character sufficient for the purpose, who from ignorance or irritation, from pride or perverseness, can put off the character of a gentleman.

I am &c. THOMAS COOPER.

TO BE LEASED

For one or two years, THAT well known Plantation of the late George Lillington, Esq. about 22 miles from Wilmington. The lands are very suitable for Rice, Corn, or Cotton.—The Saw Mill having lately been burnt down, may be rebuilt at the expense of about 150 or 200 dollars.

ALSO, A number of Negroes, 4 or 5 pair of Oxen, and Plantation Tools may be had, if required. For terms apply to the subscriber on the premises. SARAH LILLINGTON.

January 15.

FOR NEW-YORK.

The Sch'r. Polly, Isaac Heldridge, master, will positively sail on Sunday next; having good accommodations for freight of about 100 barrels; or passage, apply to the Master on board, or to ISAACS & BISHOP.

January 15.

NOTICE.

On the 23d inst. will be Sold at Public Auction, in Wilmington, ALL the property and effects of James Arneill, deceased, consisting of Wear, ing Apparel and a Watch.

And at the same time,

The Brig Minerva, at present commanded by Seth Poole, as she came from sea, with all her Tackle, Apparel and Furniture.

Conditions six months credit. JOHN BARCLAY, Ex'r.

January 15.

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