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## Congress of the United States

HOUSE OF REPRESENTATIVES.

Thursday, Feb. 19th, 1861.

A bill making appropriations for the support of government for 1861; a bill making appropriations for the military establishment for 1861; also a bill to amend the act to provide for the valuation of lands and dwelling houses, &c; also a bill for the relief of Nathaniel Holmes, were read the third time and passed.

A petition of P. C. L'Enfant was read. The Senate informed the house that they had passed the bill for the relief of Samuel Lewis Foster, with an amendment; to which the house immediately agreed.

Mr. C. Goodrich made report from the committee appointed to enquire into the official conduct of Winthrop Sargent, which was referred to a committee of the whole on Monday.

The report is lengthy, and concludes with recommending the following resolution:

Resolved, that there does not appear cause for further proceedings on the matter of complaint for maladministration against Winthrop Sargent, as governor of the Mississippi Territory.

Mr. G. Smith moved the following additional rule in relation to the powers of the speaker:

The power of the speaker or chairman of the committee of the whole shall not be construed to extend (unless by consent of the house previously obtained, or in the case of disorderly behaviour) to the expulsion of any person, either from the lobby when introduced by any member of the house, or from the gallery, when the same is generally opened.

Mr. Hill, from the committee appointed on floor balances, reported a bill releasing the states from the payments of balances due by them to the United States, which was postponed till the third of next March.

Mr. Platt, from the committee of revision and unfinished business, reported a bill for continuing the act generally denominated the Sedition Law, which was read.

A motion was made to reject the bill, on which a debate ensued. On the question being taken by yeas and nays, it was rejected; there being Yeas 50—Nays 49, and the speaker declared himself in the negative.

The Yeas and Nays are as follow:

YEAS,

Messrs. Allison, Bailey, Bishop, R. Brown, Cabell, Critt, Clay, Claiborne, Condit, Davis, Dawson, Dent, Eggleston, Elmendorf, Gallatin, Gray, Gregg, Hanna, Heiler, Holmes, Huger, Jackson, Kitchell, Leib, Lincoln, Lyon, Linn, Livingston, Macon, Muhlenberg, New, Nicholas, Nicholson, Parker, Randolph, Smith, J. Smith, S. Smith, Sprague, Stanford, Stone, Stuart, Taliaferro, Thompson, A. Trigg, J. Trigg, Tazewell, Van Cortlandt, Varnum, R. Williams, Woods—50.

NAYS,

Messrs. Baer, Bartlett, Bird, J. Brown, Champlin, Cooper, Craik, Dana, J. Davenport, F. Davenport, Dennis, Dickson, Edmond, Evans, Foster, Freeman, Glen, Goode, C. Goodrich, E. Goodrich, Griswold, Grove, Harper, Henderson, Hill, Imlay, Kittera, H. Lee, S. Lee, Mattoon, Morris, Otis, Page, Pinckney, Platt, Powell, J. Reed, N. Read, Rutledge, Shepard, J. C. Smith, Sheafe, Tenney, Thatcher, J. C. Thomas, R. Thomas, Wadsworth, Wain, L. Williams, Woods—49.

Friday, Feb. 20, 1861.

The petitions of Mathias Shroyer, and Margaret Culbertson were presented and referred to the committee of claims.

A petition from sundry persons, residing on lands belonging to the U. S. lying between Moulkingum and Stono rivers, praying to be allowed a pre-emption to the lands on which the petitioners are settled on more favorable terms than those heretofore granted by law.

Referred to Messrs. Dennis, M'Millan and Chandler.

A motion being made and seconded, that the house do come to the following resolution, viz:

Resolved, that the speaker of this house, in directing the Sergeant at Arms to order and expel from the gallery of this house, Samuel Harrison Smith, a citizen of the United States, has assumed a power not given him by the rules of this house, and deprived the said Samuel Harrison Smith of a right, which can only be forfeited by disorderly behaviour.

Mr. Davis. Mr. Speaker, my intention is to call for the resolution laid on the table by me the other day, which relates to the conduct of the Speaker towards Mr. Smith; but before I call up the resolution I will remark that I have not introduced it with a view to afford myself an opportunity of venting invectives or personalities against the Speaker. The due respect of this house forbids an act of that sort. The number of days the Speaker has seen, compares with my own, forbids it. I contend for principle; and those who differ from me on this point, in opinion, may meet me on this ground & by a fair and dispassionate argument discuss the subject. If they choose to do so I shall be satisfied; it will be the most agreeable method to me.

But if Gentlemen are disposed to introduce asperity into the debate, I am ready to repel it.

Resolved unanimously that the speaker, be excused from deciding whether the said motion is in order or not.

The question was then taken, & is this motion in order? and it passed in the negative, as follows: Yeas 49. Nays 54.

YEAS,

Messrs. Allison, Bishop, R. Brown, Cabell, Clay, Claiborne, Condit, Dawson, Dent, Eggleston, Elmendorf, Fowler, Gallatin, Gray, Gregg, Hanna, Heiler, Holmes, Jackson, Kitchell, Leib, Lyon, Linn, Livingston, Macon, Muhlenberg, New, Nicholas, Nicholson, Parker, Randolph, Smith, J. Smith, S. Smith, Sprague, Stanford, Stone, Stuart, Taliaferro, Thompson, A. Trigg, J. Trigg, Tazewell, Van Cortlandt, Varnum, R. Williams—49.

NAYS,

Messrs. Baer, Bartlett, Bayard, Bird, J. Brown,

Champlin, Cooper, Craik, Dana, J. Davenport, F. Davenport, Dennis, Dickson, Edmond, Evans, Foster, Freeman, Glen, Goode, C. Goodrich, E. Goodrich, Griswold, Grove, Harper, Henderson, Hill, Huger, Imlay, Kittera, H. Lee, S. Lee, Lincoln, Mattoon, Morris, Otis, Page, Parker, Pinckney, Platt, Powell, J. Reed, N. Read, Rutledge, Shepard, J. C. Smith, Sheafe, Tenney, Thatcher, J. C. Thomas, R. Thomas, Wadsworth, Wain, L. Williams, Woods—54.

And for the said motion was not in order.

A motion was then made and seconded that the house do come to the following resolution, viz:

Resolved, that the power of the speaker or chairman of the committee of the whole shall not be construed to extend (unless by consent of the house, previously obtained, or in case of disorderly behaviour) to the expulsion of any person, either from the lobby when introduced by any member of the house, or from the gallery, when the same is generally opened.

The previous question was called for by five members, viz: "shall the yeas question be now put?"

Whereupon the said question being under consideration, Mr. Livingston, having addressed the speaker did in the opinion of the speaker proceed to debate the main question, and being thereupon called to order by the speaker.

Whereupon an appeal was made to the house, from the decision of the speaker, and on the question of concurring with the speaker in his said decision, it was resolved in the affirmative—Yeas 60, Nays 42, as follows:

Yeas.—Messrs. Baer, Bartlett, Bayard, Bird, J. Brown, Champlin, Cooper, Craik, Dana, J. Davenport, F. Davenport, Dennis, Dent, Dickson, Edmond, Evans, Foster, Freeman, Glen, Goode, C. Goodrich, E. Goodrich, Gregg, Griswold, Grove, Hanna, Harper, Henderson, Hill, Huger, Imlay, Kitchell, Kittera, H. Lee, S. Lee, Lincoln, Mattoon, Morris, Otis, Page, Parker, Pinckney, Platt, Powell, J. Reed, N. Read, Rutledge, Shepard, J. C. Smith, Sheafe, Tenney, Thatcher, J. C. Thomas, R. Thomas, Varnum, Wadsworth, Wain, L. Williams, Woods—60.

Nays.—Messrs. Allison, Bailey, Bishop, R. Brown, Cabell, Christie, Clay, Claiborne, Condit, Dawson, Eggleston, Elmendorf, Fowler, Heiler, Holmes, Jackson, Leib, Lyon, Linn, Livingston, Macon, Muhlenberg, New, Nicholas, Nicholson, Randolph, Smith, S. Smith, Sprague, Stanford, Stone, Sumpter, Stewart, Taliaferro, Thompson, A. Trigg, J. Trigg, Tazewell, Van Cortlandt, R. Williams—42.

The previous question upon the motion being then taken, in the words following, viz: "shall the main question, to agree to the same be now put?" It passed in the negative—Yeas 50—Nays 43; as follows:

YEAS,

Messrs. Allison, Bailey, Bishop, R. Brown, Cabell, Christie, Clay, Claiborne, Condit, Davis, Dawson, Dent, Eggleston, Elmendorf, Fowler, Gallatin, Gray, Gregg, Hanna, Heiler, Holmes, Jackson, Kitchell, Leib, Lincoln, Lyon, Linn, Livingston, Macon, Muhlenberg, New, Nicholas, Nicholson, Randolph, Smith, S. Smith, Sprague, Stanford, Stone, Sumpter, Stewart, Taliaferro, Thompson, A. Trigg, J. Trigg, Tazewell, Van Cortlandt, R. Williams, Woods—50.

NAYS,

Messrs. Baer, Bartlett, Bayard, Bird, J. Brown, Champlin, Cooper, Craik, Dana, J. Davenport, F. Davenport, Dennis, Dickson, Edmond, Evans, Foster, Freeman, Glen, Goode, C. Goodrich, E. Goodrich, Gregg, Griswold, Grove, Harper, Henderson, Hill, Huger, Imlay, Kitchell, Kittera, H. Lee, S. Lee, Lincoln, Mattoon, Morris, Otis, Page, Parker, Pinckney, Platt, Powell, J. Reed, N. Read, Rutledge, Shepard, J. C. Smith, Sheafe, Tenney, Thatcher, J. C. Thomas, R. Thomas, Wadsworth, Wain, L. Williams, Woods—43.

Monday, Feb. 23, 1861.

The bill "declaring the content of Congress to an act of Maryland passed the 28th of Dec. 1793, for the appointment of a health officer," was read a 3d time and passed.

A petition of Nott Young, others of the city of Washington, was read, praying that the consent of Congress may be given to an act of the General Assembly of the State of Maryland for erecting a bridge over the Eastern branch of the Potomac river—referred to Messrs. J. C. Thomas, Craik, and Dana.

The bill sent from Senate entitled "An act to establish the district of Kittery and Berwick to the district of Portsmouth," was read a third time, and passed.

After going into committee of the whole the House came to the following resolution:

Resolved, That it is expedient to augment the salaries of the district judges of Massachusetts, New-York, Pennsylvania and Maryland.

A bill to this effect was then ordered to be brought in, which was immediately introduced by Mr. Platt, and after two readings was committed to a committee of the whole to-morrow.

The house resolved itself into a committee of the whole on the bill making appropriations for the navy of the U. S. for 1861, when several amendments were made, reported, and agreed to by the House; and the bill ordered to a third reading to-morrow.

Ordered that the committee of ways and means be authorized to report a bill to amend the act to establish a stamp office.

Mr. Griswold immediately reported a bill to that effect, which was read twice, and committed to a committee of the whole to-morrow.

The House resolved itself into a committee of the whole on the bill from the Senate entitled, an act concerning the District of Columbia.

Several amendments were made by the committee and reported to the House, and agreed to, and the bill, as amended, ordered to a third reading to-morrow.

Tuesday, Feb. 24, 1861.

The Bill from the Senate entitled "an act concerning the district of Columbia" was read the third time and passed, Yeas 57, Nays 35.

The yeas and nays are as follow:

YEAS,

Messrs. Allison, Baer, Bartlett, Bayard, Bird, J. Brown, Champlin, Cooper, Craik, J. Davenport, F. Davenport, Dennis, Dickson, Edmond, Evans, Foster, Freeman, Glen, C. Goodrich, Griswold, Grove, Harper, Henderson, Holmes, Huger, Imlay, Kittera, S. Lee, Lincoln, Mattoon, Morris, Otis, Page, Parker, Pinckney, Platt, Powell, J. Reed, N. Read, Rutledge, Shepard, J. C. Smith, S. Smith, Sprague, Stone, Sumpter, Stewart, Taliaferro, Thompson, J. C. Thomas, R. Thomas, Wadsworth, Wain, R. Williams, L. Williams, Woods—57.

NAYS,

Messrs. Bailey, Bishop, R. Brown, Cabell, Clay, Claiborne, Condit, Davis, Dawson, Eggleston, Fowler, Gallatin, Gray, Gregg, Hanna, Heiler, Jackson, Kitchell, Leib, Lyon, Linn, Livingston, Muhlenberg, Nicholson, Randolph, Smith, J. Smith, S. Smith, Sprague, Stanford, Stone, Sumpter, Stewart, Taliaferro, Thompson, A. Trigg, J. Trigg, Tazewell, Van Cortlandt, Varnum, R. Williams, Woods—35.

Resolved that a committee be appointed to bring in a bill to revise and continue "An act declaring the content of Congress to an act of the State of Maryland passed the 28th of December 1793, for the appointment of a Health Officer."

Ordered that the committee of revision and unfinished business bring in said bill.

Mr. Pinckney, from the committee appointed for that purpose, reported that the committee had waited on the President of the U. States, to inform him that Thomas Jefferson is elected President for four years, commencing on the 4th of March.

The house resumed the consideration of the amendment reported yesterday from the committee of the whole to whom was committed the bill to amend the act to regulate the collection of duties on imports and tonnage, which were agreed to by the house; and the bill, after further amendments, was ordered to be engrossed for a third reading to-morrow.

Saturday Feb. 21, 1861.

A report was read in favour of continuing the MINT ESTABLISHMENT at Philadelphia till March 3, 1863; and agreed to, and a committee appointed to introduce a bill to that effect.—The house went

into a committee of the whole, Mr. Morris in the chair, on the sedition bill.

The committee reported the bill without amendment, and on the question of engrossment for a third reading, it was decided in the negative, and of course the bill was lost.—The yeas and nays were as follow:

Yeas.—Messrs. Baer, Bartlett, Bayard, J. Brown, Champlin, Cooper, Craik, Dana, J. Davenport, F. Davenport, Dennis, Dickson, Edmond, Evans, Foster, Freeman, Glen, C. Goodrich, E. Goodrich, Griswold, Grove, Harper, Henderson, Hill, Imlay, Kittera, H. Lee, S. Lee, Mattoon, Morris, Otis, Page, Pinckney, Platt, Powell, J. Reed, N. Read, Rutledge, Shepard, J. C. Smith, Sheafe, Tenney, Thatcher, J. C. Thomas, R. Thomas, Wadsworth, Wain, L. Williams, Woods—49.

Nays.—Messrs. Allison, Bailey, Bishop, R. Brown, Cabell, Christie, Clay, Claiborne, Condit, Dawson, Dent, Eggleston, Elmendorf, Fowler, Gallatin, Gray, Gregg, Hanna, Heiler, Holmes, Huger, Jackson, Kitchell, Leib, Lincoln, Lyon, Linn, Livingston, Macon, Muhlenberg, New, Nicholas, Nicholson, Randolph, Smith, S. Smith, Sprague, Stanford, Stone, Sumpter, Stewart, Taliaferro, Thompson, A. Trigg, J. Trigg, Tazewell, Van Cortlandt, Varnum, R. Williams—51.

The house went into a committee of the whole on the bill from the Senate in relation to the Territory of Columbia, and after considering the same, reported progress, and asked leave to sit again.

Ordered that the committee to whom was referred the message from the President relative to the disposition of the public property in his possession, be discharged from the consideration thereof, and that the same be referred to the joint committee appointed on the 18th inst. to enquire what further measure ought to be taken for the accommodation of the President of the U. States.

An act directing the mode of estimating certain foreign coins and currencies, and of making out invoices in certain cases," was read a third time and passed.

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or manufactured, the foundaries and armouries established, and what lands have been purchased for the purposes of erecting foundaries, together with their respective quantities and situations; also a list of the warrants favor on these appropriations, specifying in whole favor each warrant was drawn, and for what purpose.

REPORT,

On State Balances.

The committee appointed to inquire into the expediency of extinguishing the claims of the U. S. for certain balances which by the commissioners appointed to settle the accounts between the U. S. and the several states, were reported to be due from several of the states, to the United States.

Resolved, That the Commissioners aforesaid, on the liquidation of the accounts reported, that there were due from several of the states, certain balances, that is to say:

	Dolls.
From New-York,	2,074,846
Pennsylvania,	76,709
Delaware,	612,428
Maryland,	151,650
Virginia,	100,879
North-Carolina,	501,082

That Congress, by an act passed the 15th February, 1799, engaged that any state so reported against, might discharge itself from the claim, by an engagement in the form of a legislative act, to be passed before the first of April 1800, to pay at the treasury of the U. S. within five years, the amount of the sum assumed by the U. S. in the debt of such state; or by expending monies to the like amount within the time aforesaid, in the erection of fortifications. And the said act of Congress provides further, that any payment or expenditure aforesaid shall be credited at the treasury to the amount of stock which said payment or expenditure is equal to the purchase of at the market price of stock.—That the State of New-York passed within the time limited, the legislative act required by the act of Congress aforesaid, and has already received credit at the treasury for the sum of \$22,810 dollars 9 cents for having previously expended in fortifications the sum of 136,533 dollars 82 cents.—That no other state has acceded to the terms offered by the said act of Congress.

The Committee further reports, that by the immediate operation of the said act of Congress, and of the legislature of the State of New-York, that state was exonerated and released from a very considerable part of the balance reported, to wit: the sum of 89,139 dollars 31 cents; the balance reported against the state being to that amount more than the sum subscribed on the assumption of the U. States in the debt of that state, the sum so subscribed amounts to 1,183,716 dollars 69 cents—That the sum of 391,129 dollars 31 cents exceeds the whole amount of the balance reported to be due from any one of the states, and the aggregate amount of the whole of the balances, with the exception of the balance reported to be due from the State of Delaware.

The Committee, without entering into a discussion of the principles whereon the settlement of the accounts by the commissioners was founded, remark—that as none of the states but the State of New-York, has manifested any disposition to pay the balances reported against them, whether the terms offered by the said act of Congress operate favorably or not, and none of them have assented to the justice or equity of the claim of the U. States, and no means exist of exacting payment, it seems unwise to keep alive a claim which cannot be enforced, and may have the effect of producing irritation and exciting discontent; and as the act of Congress has already released the State of New-York from so large an amount, and enabled that state, with advantage, to discharge the residue of the balance reported to be due from that state, the committee are of opinion that a release of the balances due from the other states is expedient, and for this purpose report a bill, which is submitted.

The above report was made Feb. 19, 1861,

and the consideration thereof postponed till the 3d day of March next.

REPORT,

The acting Secretary for the Department of War, in obedience to the direction of the House of Representatives, expressed in their resolution of the second instant, that he communicate to the House such information as may be in his power, in relation to the destruction of the books and papers in that department, by fire; designating particularly, what description of books and papers has been lost thereby, and what the probable effect of such loss will be in the adjustment of the unsettled accounts of the United States.

Respectfully Reports—

That he has very little doubt that the fire which on the evening of the eighth of November, last entirely destroyed the house then occupied by the Department of War, was communicated from the adjoining house, as it was first discovered in the library which was arranged against the partition wall directly behind the fire place of that house, and at the distance of the whole width of the house (twenty-five or twenty-six feet) from the only fire place in the apartment in which last fire place a fire had been made on that day or for upward, of three weeks immediately preceding.

That the rapidity with which a large library extended the flames on the admission of fresh air into the room, entirely precluded the possibility of saving any books or papers that were deposited on the second or third floor—the whole of the former, and one apartment on the latter, then being occupied as the Secretary's office.

That not a book or paper of the office was saved, except one volume, in which the contracts and deeds for lands sold to the United States were recorded.