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## CONGRESS.

SIXTEENTH CONGRESS.....SECOND SESSION.

IN SENATE.....THURSDAY, DEC. 7.

The President communicated to the Senate a report of the Secretary of the Treasury, made in pursuance of a resolution of the Senate of the 3d of April last, stating the expenses of holding Indian conferences and making treaties, the expenses of Indian trade, &c. &c. from the declaration of Independence.

The President also laid before the Senate a detailed report of the Secretary of War, of the amount of Indian annuities, &c. rendered in obedience to a resolution of the Senate of the 19th April last.

Both reports were read and ordered to be printed.

### MISSOURI.

The Senate then resumed the consideration of the resolution for the admission of Missouri into the Union; the question being on the following proviso, offered yesterday by Mr. Eaton:

*Provided*, That nothing herein contained shall be so construed as to give the assent of Congress to any provision in the constitution of Missouri, if any such there be, which contravenes that clause in the constitution of the United States which declares that "the citizens of each state shall be entitled to all privileges and immunities of citizens in the several states."

Mr. Wilson, of New Jersey, offered the following substitute, by way of amendment to the proposition of Mr. Eaton, which was lost, only nine voting in its favor.

"That nothing herein contained shall be construed as giving the assent of Congress to so much of the constitution of the state of Missouri making it the duty of the legislature of said state to pass a law "to prevent free negroes and mulattoes from coming to, and settling in, said state, under any pretext whatsoever," as may be repugnant to that provision of the constitution of the United States which prescribes that "the citizens of each state shall be entitled to all privileges and immunities of citizens in the several states."

The question was then taken on adopting Mr. Eaton's proviso, and was decided in the negative, by yeas and nays,—Yeas 21—Nays 24.

The question being then stated on the resolution itself, after some debate, it was, on motion of Mr. Smith, postponed till to-morrow.

DECEMBER 9.—The Senate resumed the consideration of the resolution declaring the consent of Congress to the admission of the state of Missouri.

Mr. HOLMES, of Maine, addressed the Senate an hour and a half in defence of the acceptance of the constitution of the state, and of its admission into the Union.

Mr. OTIS, of Massachusetts, took the other side, and spoke about an hour against admitting the state with the constitution which it had submitted to Congress; when

Mr. BARBOUR, of Virginia, presuming that some other gentleman might desire to deliver his sentiments on the question, moved an adjournment; and

The Senate adjourned.

DECEMBER 11.—Mr. PINKNEY submitted the following resolution for consideration:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of passing a law amending or explaining the judiciary laws in such manner as to authorize, under such restrictions as may be thought proper, the prosecution of writs of error in criminal cases, from the judgments of the highest court of judicature in a state in which any question has arisen under the constitution or laws of the Union, to the Supreme Court of the United States; and that the said committee report by bill or otherwise.

### THE MISSOURI CONSTITUTION.

The Senate then resumed the consideration of the resolution declaring the assent of Congress to the admission of the state of Missouri into the Union.

Mr. EATON, of Tennessee, said, before the Senate proceeded to a final vote upon the resolution, he would ask permission again to offer the amendment which had heretofore been submitted, and rejected. This, he believed, was strictly in order. The rejection

of the proviso being before the Senate, in committee of the whole, did not prevent it from being considered, now that the resolution was reported to the Senate.—Mr. E. then offered the following amendment to the resolution:

*Provided*, That nothing herein contained shall be so construed as to give the assent of Congress to any provision in the constitution of Missouri, if any such there be, which contravenes that clause in the constitution of the United States which declares that "the citizens of each state shall be entitled to all privileges and immunities of citizens in the several states."

Mr. KING, of New-York, said, as the amendment had already been considered, and rejected by the Senate, he regretted that it had been deemed expedient to offer it again. I object now, said Mr. K. as I have before done, to this amendment, because it declares that, in the admission of Missouri, the Senate have not considered, and do not pronounce any opinion, concerning the clause of the Missouri constitution which makes it the duty of the legislature thereof to pass laws to exclude free negroes and mulattoes from coming to, and settling in, Missouri. This declaration ought not to be made, because it would exhibit the Senate in this singular situation, (if his construction of the constitution of Missouri were correct,) that, in passing the act of admission, the Senate omits to consider and to allow its due weight to the only provision in that constitution upon which the obligation to admit, or not admit, Missouri depends. Mr. K. said he considered this proposition of much more importance than the mover of it appeared to do; and he was not willing to decide on it instanter at any rate.

Mr. EATON replied at some length. He said he certainly would be as unwilling as any one to press the consideration of what he had submitted, before gentlemen had fully made up their minds and were prepared to vote. He doubted not, however, but that upon this subject all were prepared. It would be borne in mind by the Senate, that this was not an original proposition, but one that had before been considered and voted upon. When he had first the honor of submitting it, the gentleman from New York (Mr. King) had urged his want of preparation, and on an application of postponement by himself, the postponement had been granted. Under this state of things, Mr. E. could not perceive any necessity for further procrastination, more especially when it seemed to be the wish of all to put an end, in some way, to this unpleasant question. Mr. E. said, as to the constitutionality of the subject, however other gentlemen might be fully satisfied, yet with him, and with others he believed, the fact was otherwise. He was not willing either to affirm or to deny, that the Constitution of Missouri was in strict conformity to the Constitution of the United States; he should have doubts were he to be required alternately to vote either way. But of this he did not pretend to doubt, that, thus situated, thus doubting, it was his duty to lean to the side of the constitution, and by his vote to support that instrument which he and every member had sworn to maintain inviolate. The proviso ventured an opinion neither way; it was a *protestando* in the true signification of the term—the exclusion of a conclusion; a waiver on the part of Congress to give an opinion either one way or the other. This being the object which he wished to attain, he trusted the Senate would excuse his again pressing on their consideration, that which had been before acted and voted upon. Encouraged by the information that some gentlemen who had before voted against the proviso had changed their opinions, and were now disposed to vote for it, was with him the inducement for again venturing to offer it. Time had been afforded to think fully on it, and further delay he thought ought not to be requested.

The Senate then divided on the amendment, and there rose in its favor 23 members, and it was agreed to.

The question then being on ordering the resolution to a third reading, as amended, Mr. NORRIS, of New Hampshire, rose and delivered a speech of nearly two hours' length against the resolution.

Mr. MACON followed this speech with a motion to re-commit the resolution to the select committee which reported it, with instructions to strike out the proviso adopted to-day on the motion of Mr. Eaton. Mr. MACON had no doubt whatever of the propriety of the naked resolution as reported, and

was opposed to the proviso; he therefore proposed this mode of getting rid of it.

The question on re-committing the resolution was decided in the negative by yeas and nays—Yeas 17, Nays 27.

The question was then taken on ordering the resolution, as amended, to be engrossed and read a third time, and was decided in the affirmative by yeas and nays—Yeas 26, Nays 18.

When the resolution for the admission of Missouri into the Union was under consideration on Monday, and after Mr. BARBOUR had declined engaging in the debate, not, he said, that he was unwilling to meet the question, but with a hope and under the expectation that the question would be immediately taken—

Mr. TRIMBLE, of Ohio, said it was not his wish to detain the Senate; that if he had entertained a wish to engage in the discussion, the present state of his health was such that he could not express himself so as to be heard by the Senate, nor could he speak at all without great pain. He rose, he said, to state an objection to the Constitution of Missouri, which had not been alluded to in the debate on this resolution—an objection of more force, and in his view, involving principles more important to the interests of the nation, than the provision which had been so much discussed. The 8th article of the constitution of Missouri authorizes the establishment of a bank with a capital not to exceed five millions of dollars, at least one half of which shall be reserved for the use of the state. Mr. T. said he considered this provision a direct and palpable violation of that part of the 10th section of the federal constitution which provides that "no state shall coin money, emit bills of credit, [or] make any thing but gold and silver coin a tender in payment of debts." This important provision of the federal constitution, said Mr. T. was intended to guard against evils which might embarrass the federal government, and prove destructive to the best interests of the people of the U. States. An immaterial change in the form did not change the substance. Whether a bill of credit is signed by an Auditor, a Treasurer, an officer of a State, or a President of a Bank created for that purpose, the evils are the same. The power to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures, has been exclusively given to Congress. It was never contemplated or anticipated, that these important powers should be rendered nugatory by bank machinery, put in operation entirely by federal or state power. Mr. T. said it was also his opinion that banks, as established in the United States, are anti-republican institutions, which tend inevitably to aristocracy.

Mr. SMITH said he would refer the gentleman to the journals of the last session, to show that a resolution admitting Alabama into the Union had passed without opposition, and that the constitution of Alabama contained a provision for the establishment of a bank.

TUESDAY, DEC. 12.

Mr. WILSON, of New-Jersey, submitted the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to inquire whether any, and, if any, what provisions are necessary or proper to be made by law to meet contingencies which may arise from unlawful, disputed, or doubtful votes, under that part of the 12th article of amendments to the constitution of the United States, which relates to counting the votes of the Electors for President and Vice-President of the United States.

Mr. WILSON said it would be found, on referring to the article of the constitution alluded to in this resolution, that the provision in relation to counting the votes for President and Vice-President is very general. The words are, "the President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted." It is not said who shall count the votes, nor who shall decide what votes shall be counted. In consequence of this defect, as the Senate would well remember, some difficulty occurred four years ago, in relation to the votes from Indiana. Objections were made to receiving these votes; the counting was interrupted; the two Houses separated; and although on that occasion they again came together, and proceeded on, and completed the business before them, so happy a result might not always be produced. Cases might occur where stronger doubts might exist, or more excitement prevail; debates be protracted, and decision deferred, and serious inconveniences or evils follow. Was it not probable such a case would occur during the present session? Would it not at least be prudent to guard against danger from such a contingency? Congress had unquestionably the power, under the last clause of the 8th section of the first article of the constitution, and he thought they ought to exercise it, by vesting the authority to decide upon doubtful, disputed, or unlawful votes, either in the President of the Senate, or the Senate itself, the House of Representatives, or in the two Houses, conjointly or separately. At least, Mr. W. deemed the subject of sufficient importance to justify the inquiry proposed in the resolution which he had submitted.

Mr. WILSON submitted also the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to inquire whether any, and, if any, what amendments are necessary and proper to be made to the act entitled "An act relative to the election of a President and Vice-President of the United States, and declaring the officer who shall act as President, in case of vacancies in the offices both of President and Vice-President," passed March 1, 1792.

Both resolutions lie on the table one day of course.

### ADMISSION OF MISSOURI.

The Senate having resumed the consideration of legislative business, the resolution declaring the consent of Congress to the admission of the state of Missouri into the Union was read a third time, and the question stated, "Shall the resolution pass?"

The question being then put, the resolution was passed, and sent to the House of Representatives for concurrence; and

The Senate adjourned.

### HOUSE OF REPRESENTATIVES.

THURSDAY, DEC. 7.—Mr. COBB gave notice of his intention, so soon as the question now under consideration in committee of the whole, should be finally disposed of, to call for the consideration of his propositions contemplating a retrenchment of the expenses of the government.

### MISSOURI.

The House then resolved itself into a committee of the whole, Mr. NELSON, of Virginia, in the chair, on the resolution declaring the admission of Missouri into the Union on an equal footing with the other States of the Union. And the question having been again stated—

Mr. SERGEANT rose, and occupied the floor for two hours, when the house adjourned.

MONDAY, DEC. 11.—On motion of Mr. BUTLER, of New Hampshire, it was

*Resolved*, That the committee on the Post Office and Post-Roads be instructed to inquire into the expediency of providing by law for prohibiting printers and editors of newspapers, and all other persons who are proprietors of any such printing establishments, or in any way concerned in the publication of newspapers, from being mail contractors or postmasters; and, also, prohibiting postmasters from being mail contractors, or being employed in conveyance of the mail.

On motion of Mr. BALDWIN, it was

*Resolved*, That the Secretary of State be required to communicate to this House any information which may have been received by that Department, touching any alterations in the commercial laws or regulations of any of the nations of Europe, which may have been made or adopted since the year 1817.

The House then resumed the consideration of the resolution declaring the admission of the State of Missouri into the Union.

Mr. ARCHER, of Virginia, delivered at some length his views of this subject, and the reasons why he was in favor of the passage of the resolution.

When he concluded—

Mr. HILL, of Massachusetts, moved an amendment, qualifying the assent of the admission of the new State into the Union by an exception of a particular clause of the Constitution. This motion, however, was withdrawn by Mr. Hill for the present, on the representation of Mr. LOWNDES, that it would embarrass the main debate, by bringing on an accidental one, and would deprive him of the opportunity of replying to some objections he had not anticipated, and to others arising from a misapprehension or evasion of his first arguments in support of the resolution.

Mr. BALDWIN then moved to strike out the Preamble to the Resolve.

Mr. LOWNDES assigned briefly the reasons why, on more mature reflection, he should assent to this course, though he had at first preferred the other.

The question being taken on striking out the Preamble, was decided in the affirmative, 87 to 65.

Mr. HEMPHILL, of Pennsylvania, delivered, at considerable length, his sentiments in hostility to the Resolution for the admission of Missouri as now constituted—

And the House adjourned.

TUESDAY, DEC. 12.

The Speaker laid before the house a letter from the Comptroller of the Treasury, transmitting from the 4th Auditor a list of balances charged in that office, and due more than three years prior to September, 1820; and a list of persons, (only five in number,) who have failed to render their accounts to that office.

The Speaker also laid before the house a report of the Secretary of War of a plan on which the army may be reduced to 6000 men; made in obedience to a resolution of the house of the 11th of May last.

The Speaker also laid before the house a report from the Secretary of the Treasury relative