M. Carlton

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Congress of the U. States. HOUSE OF REPRESENT ATIVES.

Monday, December 22. MISSISSIPPI TERRITORY.

Mr. Harper. I apprehend that the honorable member has to:ally mistaken the course of the business. He was correct when he rose; but he still persists in error. The pe ple who complain ought to be heard; they will be heard; they will obtain justice. What is the object of the motion? Does it not embrace a string of resolutions, raducing a high public officer? This was the object of it. There was no other object. If there be another, what is it? The motion is no, in the form of an address to the President desiring from him the removal of an officer who led violated his du-ty; but it offers you a string of preamblatory stigmarizing remarks, and concludes with directing certain List, allested to be unconstitutional, to be transmit-ted to the President. Does the President want these fares? I he ignorant of them? Had he not them be-

Are we then by this side wind to hint to the Pre idear that we wish the governor of the Mi sissipp Territing removed? It would be mure consistent with the deas of inner expressed by the gentleman ir m Virgiis, to come forward fairly and avowedly with such an re s. Such a measure would certainly be novel:

but still is might be right.

There were not the plain, fair means pursued for the agreement or an avowed end. The means were very Trees. They tended solely to the tracuction by the house of a public officer.

The gendeman from Kentucky had called the goversion as the Mississippi Territory, after heaping re-presents upon his cliniacter, a vent of the great trank. Lies disson did no answer his purpose; but if it aid. I was ask the gentleman, whether, even if the sem were removed, the great trunk would not still remain.

The surgite was the seriore nugatory.

This same question had been before the house a configured the last session. It had been then of red on the very last day. It had been laid aside. The same of cums ances, then existing, attend it still. 1.

is inherently the same.

The contents of the resolution had gone forth to the world. T ey had carried with them that weight that was derived from their being offered by a member of this house. They struck at the hone and intercity of a man, who at the age of titty six years sustained a character, not only unimposched, but combellished with many virtues. Though this character may be respaired by more recent incidents, since his app in meat to the government of the Miscissippi Teoritory, of which Mr. Harper was entirely ignoran, all the charges now made were opposed by the preced no acts

Upon the whole, if a proper plan be pursued, inthem, a committee may be appointed, who may enpaire extensively inforthe subject; after reporting to be all the information they can collect, the gentieman from Kentucky can add hir, and a just declaim be eten made. This conduct will be more a propriate Then may implied address to the President. Fir if the charges are true, we shall be lost to political integrity. bould betray our trusts, if we use not immedia ely take higher, ground; if we did not proteed ad and impeach the flagrant violator of his dery. And I pledge myself, that in suc : event, it no member shall, to move his impeachment.

Mr. Claiborne. I cannot subscribe to the character iven to Winthrop Sargent by the gentleman from by the united voice of the western world. Lean only tell him that such an But on this subject I must forbear, for with the whole part of western America I have feelings that would bury me into an expression of sentiments which a rof this house should not induige.

The gendeman from South-Carolina was not truly informed on this subject. The memorial, on which some of the charges were made in the resolutions of fered by the gentleman from Kentucky, was addressed to Coursess, and not to the Possiders and addresses. Sates. It was fair to suppose that the President was them, it were to be hoped, that, for the sake of vindicating the rights of an oppressed people, he would

The gentlemen tran South-Carolina and Massachusens declare themselves overse to the reserrore of the residences, lest by it they should give a sanction to the charges preferred. But d eathelbouse sanction the facts set forthin a petition by referring it? Do they not, on the contrary, refer for the very pur, use of Was not this the care every day? ascertaining them? Was such a resolution or peri ion, on this ground, ever before opposed? It is had been, it was not since

he was a member of the house.

If the resolutions be referred, what will be the effeet? If the charges exhibited are found to be untrue, the investigation will terminate in the triumph of inn .cence; if on the other hand they are proved to be true; be would proceed further, as far as the gentleman from South-Carolina, and apply a constitutional corrective. By a constitutional corrective, he meant an sent; and be would n tonly have this man punished as a tyrant, but he would hold forth his p :-

dishasent as a terror to others. Mr. Griswold. The remarks made by the gentlemed go to shew an indisposition in members of this house to investigate the subject. This is not the fac. We say that the investigation is in a train of being The petition of Cato West, and the memorial of the house of representatives of the Misrissippi Territory, have been referred -- Under these circumstances, the subject generally is before the committee. To go farther at present, would, we say, be wrong. For if we do refer also the facts stated in the resolutious, we take it for granted that they are true, and refer to the committee the expediency of adopting an interence 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 Sargent; he was no acquain ance 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 presounce 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 up n the rack. This was intro-

ducing an old principle; a principle, which it was our boast we had discarded. A rack was shought in o this boase; not, as of old, to rack the body, but, what was still worse, to rack the mind. Gentlemen say the charges are either true or false; if false, refer them to a committee, and that commit-

tee will on enquiry tell you so, and thus you will get rid of them; and if true, they ought to be acted upon by this house. But who could depend u on their 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 aken. The culprit should be summoned before the bar of this house, and be 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 left aver e to consure any man for offences uninvestigated and unproved.

Mr. Ha per here explained what had rallen fr m. him in a previous part of the debare. He had not said, or, if he had said, it had not been his design to say, that these resolutio's were intended to traduce the character of an individual, but that such were their He knew nothing of the intention of the

Mr. Dennis thought the question then before the nouse an improper one. For whether a opted of reiccted, it would inadequalely express the opinion of members. On the one name, it was consequed, that if a greed to, it would contain a sanction of the truth of series scharger against the character of a public officer; and irrejected, it would express an opinion that those charges were take. Mr. Dennis, who was no preparen either to approve or condemn the conduct of Winthrop Sargent, hoped the flouse would pursue another course; and is no informity to their wishes, the resolution propose a not general resolution, for the appointment of a committee to enquire into the office of the special course of the s fic al conduct of Wintbrop Sargent, and report to the house the result of their enquiries. Such a resolution would can ey neither approbation nor censure; and it would be free from that long alring of preambles which prefaced the present resultations. These were consinty-improver; for however gentle year might concur in certain general deductions, few men agreed in all part a in the rea one as igned for any particular act.

Mr. Craik thought the object of the resolution uself improper. He de med to know in what part of the constitution was to be used the right to move for the dismission of a public officer, o to impose a censure a on 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 sep would be improper. It involves in it the exer-cise of powers which we do not possess.—If the object the entleman, as professed, was to communicate into mation to the President, that object could be atta need by the gap leman, by his withdrawing the 1 apers then becore the house, and dense ing item, in the capacity of a private citizen, to the President, who alone was authorised by the constitution to remove a public officer, excep by impeachment,

Mr. Davis. The opposition to these resolutions has assumed various shapes. One gentleman is startled at the long preface, another is alarmed at the number of te break's and others says that by referring them, you will sanction the truth of the charges. This was no. the case. They seand upon the same forting with any petition presented, which always contains some facts, to test the truth of which a reference is invariably made. The reference amounts to nothing more than isment 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 tacts that are proved, and from such a comparison make a report; and will not that report be open to exare ination, revisi in and amendment, by any member of his house?

The gentleman from South-Carolina, as was usual wit claim, had made remarks on this subject, without knowing where to begin; and had asked if the laws e amplai ed of had not been presented by the President he houre? It was certainly true, that they had a so reserved. But this was saying very little for as President; when a admitted that the President had seen the laws, that vi lated the constitution, and receiving the people, without checking the officer. who had usumed unconstitutional power; and exercised flagrant oppression.

The en a station South-Carolina had called the charges contained in the resolutions mere assertions. Mr. Davis dealed the truth of the remark. -T ere was not a charge made shat was not not or. It he had told the house that he had laid hold of the threads is comparacy, he might have been charged with making mere astertions.

Mr. Pavis was not acquainted with the cally character of Wil throp Eage to Bur he was acquainted, which was more material, with his later and present cha acter. He did know that in his recent actions he had exhibited thecha acter of a tyrant. It was very probable that before he was corrupted by power he was a virtuous man. But with him, as with many other men, no sooner had be g t over than he assumed the baracter of the tyraot, 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 decision would soon be had.—The reign of terror in this country will soon reach its end.

Mr. Macom The subject already referred does not embrace the contents of this resolution. The memorial from the House of Repre entatives of the Missisippi Territory only relates to the election for Washington county, and the conduct of the governor in relation to it : whereas the charges on which the resolution is founded are numerous and dissimilar.

The subject had been last session, introduced at late day, and had from that circumstance been laid a-side. 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 presented the only cause whereby justice could be done to those who complain, to the country at large and the individual criminated,

to be the more attentive to these charges, as they came from a territory, unrepresented in our tederal

Gentlemen say, impeach this officer, if guilty.

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Gentlemen say, impeach this officer, if guilty, the there be a more appropriate mode of leading to this effect, than by the appointment of a committee, on whose reported statement of facily the house would be justified in ac lng ?

This had been the uniform mode. It had been prac-

tised in the case of the failure of the Wester expension under St. Clair. A committee had been appointed to enquire into the subject; though he granted that 'e did not recollect that the word selector (so much ob-jected to on this occa i n) had been then used.

Nothing had been more common than to appoint a commutee, 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 Sargeits. It was not so. Genilemen a cre mistaken. A recerence-involves no opinion, other than that a subject may be better investigated by a se'est committee than by this house.

Mr. Harpe assed whether it was in order to amend

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 Lines, as to make it read (we are substantially tho in the bally correct) "that a Committee be appointed to enquire into the official conduct of Wilthrop Segent, which shall be authorised to send for persons, japes, and records."

Mi. Harper declared his object was tob ing about inve tigaton to be guilty.

Mr. Claibone said he admired the object avowed

by the gentleman from Massachuseus; but he then rose to ask the Speaker whether the amendment was

The Speaker said it was in order.

Mr. Eggie ton. In hi in my hands the rule of the house, where I find i declared that a motion for commitment shall preclude at amendment.

The Speaker, after some hesita ion, said it cer-Mr. Rutledge said gentlergen all seemed to agree

a to the essence of the case, but to different the mode. He thought the instance reterred to by the gentleman inon N 1th-Carolina fully in point, and altoge her against him. In that case a committee had been appointed barely to enquire into the causes of the western extedition. The resolution had not been presecuti by a long preamble; it had not a cribed movines of cowardice or other reprehensible in tives to general

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 make the pressous question.

The previous question was then put, viz. ** shall

the main question be now put?"

Which passed in the negative—Ayes 36, Noer 48.

Mr. Har eithen moved to strike out the preambe,
Mr. Macon moved a postponement of the question till to m now—Motion lost.

Mr. Nichal procedures. Mr. Kitchel 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 now be put. Can that then be the question? Where will it be? Where shall we find it?

Mr. Har, er called to order; on a m nion to adjourn there could be no diba e. Motion for adjournment lost

Mr. Davis moved the commitment of the amendment to a select committee.

The Speaker declared the m. tion not in order. Mr. Dent asked if it was not in order to commit the motions of both the gentlemen from Kentucky and

S uth 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 pre-

yous que tion, and not on the main one. The Speaker acknowledged that it was so, but de-clared the proposition of Mr. Dent out of order. The question was take on striking on the pream-

bie, and carried, 48 members rishing in the amenia-Mr. Ha per then maked to amend the conclusing resolution moved by Mr. Davi , by striking it out, and introducing in its room the motion already stated as

made by Mr. Ha per. Mr. Rascolph de ired to know whether it was in order to move an amendment to the amendment of the gentleman from South-Carolina,

The S, eaker said it was in order. Mr. Rando'ph then moved the reference to the committee of the laws, documents, and other papers ac-

companying them. The Speaker said that appeared to him to be the aman at of the original resolution.

Bir. Rand Joh ver hed that the original resolution was for the transmission of them to the President,

The Speaker acknowledged that it was so, and stated the mation of Mr. Randolph. Mr. Champlin thought the motion out of order.

Mr. Ha per rose to call the gentleman to order.

The 5 scaler had already decided the motion to be in The Speaker again pronounced the motion to be in

A desult ry deliate ensued between Mr. Randolph,

Mr. Griswold, Mr. Harper, and Mr. Ko.t.
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 occa ion. All the gentlemen, who have spoken on 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, their ingenuity meets us at every point? and thus they strive to baffle every motion, whose object is a fair and full investigation.

Mr. Randelph thought the direct point should be directly aimed at. The committee proposed to be ap-jointed by the gentleman from South-Carolina, uninstructed as to what charges they are to investigate, may be as blind as the gentlemen themselvse who had spoken. He hoped, therefore, the house would compel them to take them into view.

Mr. Rutledge was in this stage of the buriness opposed to the amendment of the gentleman from Virginia, though he had no objection to agree to it, after

It appeared to Mr. Mason that it became that house I the motion of the gentleman from South Carolina was

Mr. Davis a pealed to gentlemen, whether they were serious in wishing to se id for persons and papers? Could they expect to get them during the session from

a customy 1700 miles off?
The Speaker called to order. The main question was not before the house. Whatever was said must be

on the amendment Then, said Mr. Davis, I will say nothing about it and sit down.

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

Mr. Claiborne moved to strike out of the motion made by Mr. Ha per, the words, "to send for persons, documents, and papers." His motive was dictated by a de ne to obtain speedy justice for this oppressed people. The necessary proofs were before the

pressed people. The necessary proofs were before the house. It the committee were fied 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 creating immediately enquire into the subject; and from the deciments that would be laid before them. from the d cuments that would be laid before them. they would be able to art with effect without much delay or great expense. To test the sincerity of gen-tiernen, he moved to strike out those words.

Mr. Harper said that the motion carried an implica-tion that his triend from Tennessee would not be willing to allow; either that a wriminal might escape onunished, or an inn. ent 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 p esumption of guilt; would it not be desirable to invest thorn with the right of making further enquiry? Su; pose, on the other hand, that the charges appear to them true, had not the experience of ages justified the propriety of the maxim audi alterum partem? How can this dilamma be surmounted but by imparting to the commutee all the powers required for making a full and fair enquiry? Unless this be done you may convict the governor without testimony, or dismiss uim, though you think him criminal.

Mr. Smitte. It extertion has been practised by Winthrop Sargent, it unconstitutional laws have been passed, it is the duty of Congress to interpose its authority, and redress these great evils. In such cases de-lays are cangegous. He was, therefore, for those measures that provided the most immediate and effec-

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 'c stands torbids the indulgence of such a lear. Before the exhibition of the documents I had suspicions; but n.w. I have convictions. The unconstitional laws, officially communicated, are proofs whose authority I dare not resist. They are be fore the house. Any member may read them. I deny, pursuing the course we wish to pursue, that Winthrop Sargent can be punished un eard. The committee, after solemn enquiry, will report to us a statement of facts; on which an impeachment may be grounded; and arbon impeached. Winth no Sargent will be heard in his defence, and your managers may be empowered to send for persons and papers. Let gendemen who has are on this subject, recollect that delay of justice is often equal to a denial of it.

Mr. Cla borne's last words were scarcly uttereed,

when a person in the gallery clapped.

Serj ant, said the Speaker, see to that man.

[The Serjeant went into the gullery and took the peron without resistance.

We understand he was kept in confinement by the Ser-

jount for almost two hours; in consequence of which, and the loss of his horse, which he had fastened to a shed new the Capito', and which was not to be found when he was released, he that very day obtained a constant from a

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

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 o amon, a far from evidencing an indisposition to meet the subject, was the strongest evidence of the since it y and adherence to justice of those who supported ir.

Mr. Nott 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 se d for persons or papers. He was astonished at the ideas of some

Could they expect this house to be gwerned 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 tarther. If not decisive, shall they substitute the opinion of the gentleman from Tennessee in the place of their own convictions? He hoped not. If you lemen are seri us in the expression of their wishes for a fair enquiry, let them give the committee full

Mr. Macon 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 ccupied in going and returning from the Mi sissippi Territery, 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. Is it the intention of gentlemen that the

committee, they wish 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 common committee with common powers. He called them common; for every committee appointed on such a subject have similar pow-

It was presumption to suppose, as the arguments of gentlemen did suppose, that the committee about to be appointed will desire to exculpate Winthrop Sar-