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BY AUTHORITY.

[No. 13.]

AN ACT making appropriations for certain Fortifications of the United States, for the year one thousand eight hundred and twenty-six, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, respectively appropriated, to wit: for fortifications, to each, specifically, as follows:

For Fort Adams, at Brenton's Point, one hundred thousand dollars.
For Fort Hamilton, at New Utrecht Point, seventy-five thousand dollars.
For Fort Monroe, at Old Point Comfort, one hundred and fifteen thousand dollars.
For Fort Calhoun, at the Rip Rap Shoal, eighty thousand dollars.
For the Fort at Bogue Point, North-Carolina, twenty-five thousand dollars.
For the Fort at Oak Island, North-Carolina, thirty thousand dollars.
For the Fort at Mobile Point, ninety thousand dollars.
For the Fort at Chef Menteur, eighty-five thousand dollars.
For Fort Jackson, at Plaquemine Bend, ninety thousand dollars.
For the Fort to be commenced at Bayou Bienvenue, Louisiana, ninety thousand dollars.

For repairs and contingencies, fifteen thousand dollars.

For the repair of Fort Constitution, in the Portsmouth Harbour, two thousand five hundred dollars.

For the purchase of Land, and the right of way on Throg's Point, in Long Island Sound, seventeen thousand dollars.

Sec. 2. And be it further enacted, That the said sums shall be paid out of any money in the Treasury, not otherwise appropriated.

JOHN W. TAYLOR,
Speaker of the House of Representatives.
JOHN C. CALHOUN,
Vice President of the United States and President of the Senate.

APPROVED—March 14, 1826.
JOHN QUINCY ADAMS.

[No. 14.]

AN ACT to authorize the Legislature of the State of Mississippi to appropriate the amount of the three per cent. fund, arising from the sales of public lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That three-fifths of the five per cent. fund, arising from the net proceeds of the sales of public lands within the State of Mississippi, may be appropriated by the Legislature thereof to the making of public roads and canals, and to the improvement of the navigation of rivers and bays within said State.

APPROVED—March 14, 1826.

[No. 15.]

AN ACT making appropriations for the Indian Department for the year one thousand eight hundred and twenty-six.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, respectively appropriated, to wit:

For the pay of the Superintendent of Indian Affairs at St. Louis, and the several Indian Agents, as established by law, twenty-nine thousand five hundred dollars.
For the pay of Sub-Agents, as established by law, thirteen thousand five hundred dollars.

For presents to Indians, as authorized by act of one thousand eight hundred and two, fifteen thousand dollars.

For the contingent expenses, ninety-five thousand dollars.

Sec. 2. And be it further enacted, That the several sums hereby appropriated shall be paid out of any money in the Treasury not otherwise appropriated: *Provided, however,* That no money appropriated by this act shall be paid to any person, for his compensation, who is in arrears to the United States, until such person shall have accounted for and paid into the Treasury all sums for which he may be liable: *Provided, also,* That nothing in this section contained shall be construed to extend to balances arising solely from the depreciation of Treasury notes, received by such person to be expended in the public service; but in all cases where the pay or salary of any person is withheld in pursuance of this act, it shall be the duty of the accounting officer, if demanded by the party, his agent or attorney, to report forth-

with to the agent of the Treasury Department the balance due, and it shall be the duty of the said agent, within sixty days thereafter, to order suit to be commenced against such delinquent and his sureties.

APPROVED—March 25, 1826.

[No. 16.]

AN ACT making appropriations for the Military Service of the United States, for the year one thousand eight hundred and twenty-six.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, respectively appropriated, for the Military Service of the United States, for the year one thousand eight hundred and twenty-six to wit.

For the pay of the Army, and subsistence of officers, including the Military Academy, nine hundred and ninety-four thousand, four hundred and seven dollars, and seventy-five cents.

For Subsistence, two hundred and eighty-nine thousand one hundred dollars.

For Forage for officers, thirty-five thousand five hundred and twenty dollars.

For the Recruiting Service, in addition to an unexpended balance on the thirty-first of December, one thousand eight hundred and twenty-five, of six thousand seven hundred and sixty-nine dollars, twelve thousand one hundred & forty-five dollars.

For the contingent expenses of the Recruiting service, in addition to an unexpended balance on the thirty-first of December, one thousand eight hundred and twenty-five, of seven thousand dollars, two thousand four hundred and fifty-seven dollars.

For the purchasing Department, in addition to materials on hand, of sixty thousand dollars, two hundred and two thousand two hundred and fifty-one dollars and nineteen cents.

For one thousand complete suits of extra Clothing to be put in depot, and for one additional pair of Shoes to be allowed for each enlisted soldier per annum, fifty-one thousand five hundred and two dollars and forty-five cents.

For the purchase of Woollens, during the year one thousand eight hundred and twenty-six, in advance for the year one thousand eight hundred and twenty-seven, twenty thousand dollars.

For Medical and Hospital Department, twenty-five thousand and seventy-seven dollars.

For the Quarter Master General's Department, two hundred and eighty-four thousand seven hundred and six dollars and sixty-seven cents.

For Quartermaster's supplies, transportation, stationary, outstanding debts, repairs, chairs for examinations, grates, and lightning rods, for the Military Academy at West Point, fifteen thousand and five hundred and forty-two dollars and seventy-four cents.

For articles required for the mathematical, drawing, chemical, and mineralogical departments, additions to the library, paving barracks parade, conduit for supplying water, and for new quarters, as recommended by the board of visitors for the Military Academy at West Point, nineteen thousand one hundred and eighty-seven dollars and seventy-five cents.

For the contingencies of the Army, ten thousand dollars.

For the National Armories, three hundred and sixty thousand dollars.

For the current expenses of the Ordnance Service, sixty-five thousand dollars.

For Arsenals, twenty-seven thousand seven hundred dollars.

For arrearages prior to the first of July, one thousand eight hundred and fifteen, fifteen thousand dollars.

For arrearages from the first of July, one thousand eight hundred and fifteen, to the first of January, one thousand eight hundred and seventeen, three thousand dollars.

For building an Arsenal at Vergennes, Vermont, fifteen thousand dollars.

For completing the repair of Plymouth Beach, thirteen thousand one hundred and eighty-four dollars and ninety cents.

For the continuation of the Cumberland road, one hundred and ten thousand dollars, which shall be replaced out of the fund reserved for laying out and making roads under the direction of Congress, by the several acts passed for the admission of the States of Ohio, Indiana, Illinois and Missouri, into the Union, on equal footing with the original States.

For repairs made on the Cumberland road during the year one thousand eight hundred and twenty-five, seven hundred and forty-nine dollars.

For completing the works for deepening the channel of entrance into the harbor of Presque Isle, seven thousand dollars.

For the defraying the expenses incidental to making examinations, surveys, preparatory to, and in aid of, the formation of roads and canals, fifty thousand dollars.

For the armament of new Fortifications, one hundred thousand dollars.

Sec. 2. And be it further enacted, That the several sums hereby appropriated shall

be paid out of any money in the Treasury not otherwise appropriated: *Provided, however,* That no money appropriated by this act shall be paid to any person, for his compensation, who is in arrears to the United States, until such person shall have accounted for and paid into the Treasury all sums for which he may be liable: *Provided, also,* That nothing in this section shall be construed to extend to balances arising solely from the depreciation of Treasury notes, received by such person to be expended in the public service; but in all cases where the salary or pay of any person is withheld in pursuance of this act, it shall be the duty of the accounting officer, if demanded by the party, his agent or attorney, to report forthwith to the agent of the Treasury Department the balance due, and it shall be the duty of the said agent within sixty days thereafter, to order suit to be commenced against such delinquent and his sureties.

APPROVED—March 25, 1826.

[No. 17.]

AN ACT to confirm the supplementary report of the Commissioners of the Western District of Louisiana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the claims marked B. described in the supplementary report of the Commissioners of the Western District of the State of Louisiana, dated the eleventh of May, one thousand eight hundred and fifteen, and recommended by them for confirmation, be, and the same are, hereby confirmed in the same manner, and under the same restrictions, as the report, to which this was supplementary, was confirmed, by the act of the twenty-ninth of April, one thousand eight hundred and sixteen.

APPROVED—March 31, 1826.

Congressional.

IN SENATE—MARCH 30, 1826.

The Senate took up the following preamble and resolution, submitted by Mr. BRANCH of North-Carolina, some time since in secret session, and subsequently transferred to the Legislative Journal for public deliberation:

"Whereas the President of the United States, in his opening Message to Congress, announced that invitations had been accepted, and that Ministers on the part of the United States would be commissioned to attend the deliberations at Panama, without submitting and nominations to the Senate: And, whereas, in an Executive communication of the 26th day of December, 1825, although he submits the nominations, yet maintains the right, previously announced in his opening Message, that he possesses an authority to make such appointments, and commission them without the advice and consent of the Senate: And whereas a silent acquiescence on the part of this body, may, at some future time, be drawn into dangerous precedent: Therefore, Resolved, That the President of the United States does not constitutionally possess either the right or the power to appoint Ambassadors or other public Ministers, but with the advice and consent of the Senate, except when vacancies may happen in the recess.

The resolution having been read—

Mr. BRANCH rose and said: Under the impression that the first and most important duty I owe to the State that sent me here, is to preserve inviolate, and to transmit to posterity unimpaired, the form of government under which we live, I have believed it to be my duty to submit, for the consideration of the Senate, the resolution which has just been read. My opinion is, that a Representative has performed but a part of his duty, and perhaps the least part, when he discharges the ordinary duties of legislation as delegated to him by the Constitution. I feel, said Mr. B. that we have an important task to execute in resisting the encroachment of ambition on the constitutional powers of this body, whether they be open or covert.

The principle embraced by the resolution is so plain in itself, so obvious in its nature, as to need no argument on my part to make it plainer. I should conceive it to be an insult to the understanding of the Senate to attempt such an argument. The resolution asserts a constitutional principle. Yes, sir, a fundamental principle, which is doubtless properly appreciated by this body.

It may be, however, proper for me to call the attention of the Senate to the opening message of the President of the United States, at the commencement of the present session, and to his Executive communication to the Senate of the 26th December last. For it will be found, that in these communications, he has assumed a power, and asserted a right, which I boldly contend he does not possess; and in making this denial, I feel confident that I am sustained by the Constitution of the United States. In the opening message he says, "Among the measures which have been suggested to them by the new relations with one another, resulting from the recent changes in their condition, is that of assembling at the Isthmus of Panama, a Congress, at which each of them should be represented, to deliberate upon subjects im-

portant to the welfare of all. The Republic of Colombia, of Mexico, and of Central America, have already deputed Plenipotentiaries to such a meeting, and they have invited the United States to be also represented there by their Ministers. The invitation has been accepted, and Ministers on the part of the United States will be commissioned to attend at those deliberations." &c. &c.

This language, I thought at the time, was unequivocal, and since has been rendered more explicit by the Executive communication before alluded to of the 26th December, which I will take the liberty of reading to the Senate: "Although this measure was deemed to be within the constitutional competency of the Executive, I have not thought proper to take any step in it before ascertaining that my opinion of its expediency will concur with that of both branches of the Legislature."

Has he not then asserted that he has the right to appoint ministers independently of the Senate—ministers, too, of no ordinary character, clothed with powers admitted on all hands to be of the most important and perilous nature? Now, sir, what does the Constitution say?—this invaluable and inestimable little book, which I now hold in my hand—the commission under which we all act, and from which we derive all our powers; which every officer of the government takes a solemn oath, in the presence of his God and country, to preserve, maintain and defend? "That the President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers," &c. &c.

I shall not, as I said before, attempt by language, to make this subject more explicit than it is. The wise framers of our Constitution, under the most auspicious circumstances, formed it, and transmitted it to us. It is our duty to preserve it in all its pristine purity & vigor. Although it may not be necessary to illustrate this principle, I hope the Senate will indulge me for a few minutes while I attempt to give them some additional reasons why I submitted this resolution.

I view the usurpation which it notices, and purports to repel, as a link in a chain threatening the most potent and calamitous consequences to the liberties of this People. In this light it has made a deep impression on my mind. Isolated, unconnected with any thing else, yet so plainly and palpably conflicting with the letter and spirit of the Constitution, it is truly appalling to the friends of liberty; but when I connect it with the transactions that have tarnished the page of our history, for little more than a twelvemonth past; when I connect this open usurpation, this wanton trespass on the form of government under which we live, with the covert and insidious innovations which gave existence to, and characterizes the conduct of the present Chief Magistrate, I am decidedly of opinion that every friend of his country should be at his post.

It is time to re-enact magna charta. It is time to re-assert the principles of the Declaration of Independence.

The danger to be apprehended from precedent, even from what has been termed the harmless ipse dixit of the President of the United States, may be made manifest by a recurrence to a few circumstances of comparatively recent date. Two years ago the immediate predecessor of the present President, proclaimed to the European world that they must not interfere with old Spain and her revolted colonies; intimating, if they did, that we might take part. I considered it at that time, as an unauthorized, unmeaning, and empty menace, well calculated to excite the angry passions, and embroil us with foreign nations. Yet, sir, has this declaration been construed into a pledge or guarantee to the South American Republics; and, moreover, has been recognized as being obligatory on this nation, by those now in power. In proof of this, I took to the letter of Mr. Poinsett, our Minister at Mexico, to Mr. Clay, dated September, 1825:

"To these observations I replied, that against the power of Spain, they had given sufficient proof that they required no assistance, and the United States had pledged themselves not to permit any other power to interfere either with their independence or form of Government; and that, as, in the event of such an attempt being made by the powers of Europe, we would be compelled to take the most active and efficient part, and to bear the brunt of the contest, it was not just that we should be placed on a less favorable footing than the other Republics of America, whose existence we were ready to support at such hazards."

See the language of this gentleman, well known and highly estimated for his talents and integrity. Are we not bound to believe that the sentiments he avows, are in conformity with his instructions? Can we attribute to him so gross a violation of his

duty? To fortify this opinion, I will call the attention of the Senate to Mr. Clay's letter to Mr. Poinsett, 9th Nov. 1825, in which he speaks of Mr. Monroe's pledge, in language that cannot be mistaken. "When we reflect that the Secretary of State is a gentleman officially and confidentially connected with the President of the United States, shall we, are we at liberty to doubt, that this pledge, given by Mr. Monroe, has been recognized by the present President and Secretary of State? I say we can come to no other conclusion. Does it not then become our imperative duty, when we clearly see the dangerous consequences resulting from audacious usurpations, to protest against it, though he may not think proper at the moment, to carry the principle into practice?"

Again: I contend if the President is bound to advise with the Senate in ordinary cases; of appointing and sending Ministers where, by the laws and usages of nations, their powers and duties are susceptible of the clearest and most explicit definitions, and where the consequences likely to result are known and properly estimated; much more should he be bound where the objects to be obtained, and the duties to be performed, are not even understood by the President himself, as in this case may be seen by reference to the documents: in which it appears that he himself declined it in the first instance, until he could be satisfied on those points. But, strange to tell, this ground was abandoned, without assigning a reason, and the invitations were accepted. Now, sir, as to the objects understood and openly avowed, what are they? to expound and settle important principles of international law—to concert the means for a more effectual resistance to the approaches of European domination, and doubtless to give efficiency to the recognized pledge of Mr. Monroe, in connection with a wild and enthusiastic crusade against the Roman Catholic religion. Are these legitimate objects, to say nothing more of them? Or rather, are they not fraught with consequences of the most dangerous and most ominous nature, to the future peace and tranquility of this country?

I will not trespass on the patience of the Senate, by an argument on this point. My object is to show that these Ministers to Panama are Ministers of the first and most important character, clothed with powers of awful import, and calculated to excite the well grounded fears of every lover of his country.

We are called upon to send Ministers to South America, to combat the prejudices of the Roman Catholic religion. I should think our labours had better be confined at home.

Furthermore—I contend, that, if the President of the United States is not constitutionally bound to advise with the Senate in appointing Ambassadors and Ministers, that the Senate is not bound to act on the subject at all; in truth has no right to act. Are we dependent on the whim, or caprice or courtesy, of the President for power? Is it competent for him to enlarge our functions? Can he circumscribe them at pleasure? I trust not, sir.

We rely on higher authority; we rely on the commission given to us by the People themselves in convention; and, before any country I protest, most earnestly protest, against all and every encroachment of the kind. Before my God, I declare, that I never will be diverted from what I conceive to be the true policy of my country. I never will be *palmed* by any power save the Constitution and "the will of my constituents." Yes, sir, however unfashionable the recognition of this dependence on our constituents may be, I must be permitted to pay my devotion to it, and recognize its obligation on me. They are the early impressions of my youth; they have been riveted on my mind as fundamental republican truths; they have taken the firmest hold. They are such as I have fondly cherished in my bosom, and such as the people of this country never ought, never can, abandon, unless they prove false to themselves.

The Senate was wisely designated to act as a check upon the appointing power, not, I admit, to be exercised capriciously, but fearlessly and independently when the public good requires it. It therefore, becomes, imperiously, our duty to guard well the powers conferred on this body. We are tenants at will, or rather trustees for the present and future generations; and it is, comparatively of very little moment as regards the few fleeting moments we occupy here. It is as time to eternity, when compared with the fundamental principles contained in this book. This is, I know, intended for ages to come. It is intended, I trust, to be perpetual. It was so designed; but I have the most awful forebodings that it will not be. I have my fears, that though, sir, it has stood the severest storm in a recent contest, and has carried us triumphantly through a war which has covered our country with imperishable renown, a struggle that embraced in its consequences