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BY AUTHORITY.

[No. 18.]

AN ACT to provide for the employment of an additional naval force.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, & they are hereby, respectively appropriated, for defraying the expenses of the Navy, for the year one thousand eight hundred and twenty-six, in addition to the sums heretofore appropriated by law for that object, that is to say:

For pay and subsistence of petty officers, and for pay of seamen, other than those at Navy Yards, shore stations, and in ordinary, sixty-six thousand eight hundred and ninety dollars.

For provisions, forty-three thousand eight hundred and sixty-eight dollars.

For medicines and hospital stores, four thousand dollars.

For repairs, and wear and tear of vessels, ninety thousand dollars.

Sec. 2. And be it further enacted, That the several appropriations hereby made, 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, further, That nothing in this section contained shall 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 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.

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

APPROVED—April 6, 1826.

JOHN QUINCY ADAMS.

[No. 19.]

AN ACT to extend the Land Districts in the Territory of Arkansas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that tract of country in the Territory of Arkansas, lying north of the base line, and west of the Lawrence Line District, be, and the same is hereby, attached to, and made a part of said Land District; and all that part of the Territory of Arkansas lying south of the base line, and west of the Arkansas Land District, be, and the same is hereby, attached to, and made a part of the Arkansas Land District: Provided, That nothing in this act contained shall be construed as authorizing a survey or interference of any kind whatever upon any lands, the right whereof is in any Indian tribe.

APPROVED—April 5, 1826.

[No. 20.]

AN ACT for altering the time for holding one term of the District Court for the Western District of Pennsylvania.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the term of the District Court of the Western District of Pennsylvania, now directed to be held at Pittsburgh, in the county of Allegheny on the second Monday of October, shall hereafter be held at the same place, on the third Monday of October, in each year thereafter.

Sec. 2. And be it further enacted, That all actions, suits, processes, pleadings, and other proceedings, commenced and pending in the said District Court, shall have day, be heard, and determined, on the said third Monday of October, in the same manner as they would have been on the second Monday of October, if the act had not passed.

APPROVED—April 16, 1826.

[No. 21.]

AN ACT to authorize the State of Pennsylvania to lay out and make a canal through the United States' public ground, near the city of Pittsburgh.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the State of Pennsylvania, to lay out and make a canal through the United States' public ground, at the village of Lawrenceville, near the city of Pittsburgh: Provided, That in laying out and making said canal, the said State, the Engineers, artisans, or laborers, by her employed, shall not interfere with, or injure, any of the buildings, improvements, or other works, erected, or that may hereafter be erected, by, or for the use of the United States.

Sec. 2. And be it further enacted, That as a condition on which the assent of Congress is given, wherever said canal shall cross any public or private road or highway, in said public ground, the State of Pennsylvania shall cause bridges to be erected fit for the passage of carts and wagons; and forever thereafter keep and maintain the said bridges passable and in good repair, without receiving any toll or tolls, or any other compensation whatever.

APPROVED—April 14, 1826.

Congress.

IN SENATE—SATURDAY, APRIL 15.

On motion of Mr. RANDOLPH, the Senate proceeded to consider the motion submitted by him to rescind the two rules of the Senate, which place the power of appointing Committees, and the supervision of the Journal with the Presiding Officer.

A debate of two hours duration took place on this motion, in which Mr. Randolph spoke repeatedly in support of the expediency and constitutional necessity of the proposed change in the Rules—or rather their restoration to what they had been—and, in explanation of his views in regard to parliamentary forms—of the members of legislative bodies—especially of those of the Senate of the United States—and contending, amongst other positions, that it is not the duty, nor the right, of the President of the Senate to call a member to order until the call be made by a member, and an appeal be made to the Chair, &c.

Messrs. JOHNSON, of Ken. HOLMES, MILLS, VAN BUREN, EATON and HAYNE, entered, also, into the debate, chiefly in explanation of the considerations that had led the Senate to make the existing change in its rules; their experience of the effects of the change, and their views of its propriety, or impropriety—the comparative merits of the two modes of appointing Committees, &c. &c.—[As the debate at large cannot be immediately published—it is proper to state here, that all the gentlemen who favored the present motion, as well as the one who opposed it, disclaimed the remotest intention to impute to the Vice President an improper exercise of the duties devolved on him by the rules; the change was supported on the score of its abstract propriety; and that the conduct of the Chair might not be impugned by the procedure. Mr. HOLMES took occasion to express his satisfaction that the motion had proceeded from an intimate personal friend of the Vice President, which itself would contradict the presumption that any conduct of that officer had induced the proposition.]

A division of the question being demanded, it was first put on taking the appointment of Committees from the hands of the President of the Senate, and restoring it to the Senate itself, and was decided in the affirmative, by yeas and nays as follows:

YEAS—Messrs. Barton, Bell, Benton, Branch, Chambers, Chandler, Chase, Clayton, Cobb, Dickerson, Edwards, Findlay, Harrison, Harper, Hayne, Hendricks, Holmes, Johnson of Ken. Johnston, of Lou. Kane, King, Lloyd, Macon, Marks, Mills, Noble, Randolph, Reed, Robbins, Rowan, Sanford, Seymour, Smith, Tazewell, Thomas, Van Buren, White, Willey, Williams, Woodbury. 40.

NAYS—Messrs. Eaton, Ruggles.—2.

The question was then taken on the second branch of the proposition, viz. to take from the President of the Senate the control over the Journal of Proceedings; and was also carried, by the following vote:

YEAS—Messrs. Barton, Bell, Benton, Branch, Chandler, Chase, Dickerson, Edwards, Findlay, Harper, Harrison, Hayne, Hendricks, Holmes, Johnson, of Ken. Johnston, Lou. Kane, King, Lloyd, Macon, Marks, Mills, Noble, Randolph, Robbins, Sanford, Seymour, Smith, Tazewell, Thomas, Van Buren, White, Willey, Williams, Woodbury.—35.

NAYS—Messrs. Chambers, Clayton, Cobb, Eaton, Rowan, Ruggles.—6.

The resolution having been agreed to—The VICE PRESIDENT rose and said, he trusted that the Senate would indulge him, in making a few observations before he resumed his seat, as the debate on the subject just decided, had relation necessarily to the duties of the Chair.

No one more than myself, said the Vice President, can be more deeply impressed with the great truth, that the preservation of rights depends mainly on their exercise. That nation deserved to conquer the world, which called its army *exercitus*; and so will the nation deserve that its liberty shall be immortal, which lays the foundation of its system of Government on the great principle, that no power ought to be delegated which can be fairly exercised by the constituent body, and that none ought ever to be delegated but to responsible agents.—These have been my maxims through the whole of my political life, and I should be inconsistent with myself, if I did not give my entire assent to the principles on which the rules in question have been rescinded. I trust, said he, that it never will be the ambition of him, whose lot it is now to occupy this Chair, to enlarge its powers. My ambition I hope, pursues a different direction—not to enlarge powers, but to discharge, with industry, fidelity and firmness, the duties which may be imposed on me. Thus feeling, I shall witness, with pleasure, the resumption of all the powers which can be properly exercised by the Senate, as they will be then placed, where alone they can be, with perfect safety. From the direction in which the debate, in some degree took, as well as from what has been said without these walls, it becomes, on this occasion, proper, that I should state, for the information of this body, the construction that the Chair has put on the 6th and 7th rules of the Senate. They are in the following words:

“When a member shall be called to order, he shall sit down, until the President shall have determined whether he is in order or not; and every member shall sit down, until the President, without debate; but if there be a doubt in his mind, he may call for the sense of the Senate.”

“If the member be called to order for words spoken, the exceptionable words shall immediately be taken down in writing, that the President may be better enabled to judge of the matter.”

The Chair, said the Vice President, has bestowed its most deliberate and anxious attention, by night and by day, on the question of the extent of its powers, under a correct construction of these rules, and has settled in the conviction, that the right to call to order, on questions touching the latitude or freedom of debate, belongs exclusively to the members of this body and not to the Chair. The power of the presiding officer, on these great points, is an appellate power only; and, consequently, the duties of the Chair commence when a Senator is called to order by a Senator. Whenever such a call shall be made, the Chair will not be found unprepared to discharge its only functions in such a case—that of deciding on the point of order submitted. What the opinion of the presiding officer is, in relation to the freedom of debate, in this body, it will be time to declare, when a question may be presented: but such as it is, it will be firmly, and I trust I may add, fearlessly maintained. But, I rejoice that the rules of the Senate, on a point so important, gave to the Chair no original power, and that it can exercise no control till called on by the Senate itself. It was right in itself, he said, in strict conformity to the principles which had guided the Senate in the vote just taken—that so high a power should be placed only in the custody of the body.—The Vice President said he prided himself on his connection with the Senate; but it was impossible, that he should forget, that that connection was created by the operation of the Constitution. In discharging the duty in this seat, it would be unpardonable in him not to recollect, that he was placed in the Chair, not by the voice of the Senate, but by that of the People; and that to them, and not to this body, he was ultimately responsible.—Standing in the relation he did to the Senate, he had laid it down as an invariable rule, to assume no power in the least degree doubtful; and to confine himself to a just but firm exercise of the powers clearly delegated. In conclusion, he tendered to the Senate his sincere acknowledgments, that, in rescinding the rule, such delicate regard had been paid to his feelings in this debate. Ample justice had been done to the industry and fidelity with which he had honestly attempted to discharge his arduous duties. Deeming himself called on by the debate that had taken place, to say thus much, in explanation, he begged the indulgence

of the Senate for having done so; and resumed his seat.

The Senate then proceeded to consider the joint resolution from the House of Representatives, fixing the day for adjournment.

Mr. HOLMES, moved to strike out the 22d May, and insert the 15th, which was negatived, yeas 16, noes 24; and the resolution was then concurred in without debate or division, and returned to the other House.

Mr. HAYNE, then moved to go into the consideration of Executive business, but a motion to adjourn prevailed, yeas 20, noes 15.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, APRIL 15.

Adjournment of Congress.

The following resolution, offered yesterday by Mr. TUCKER, of South-Carolina, the decision of which was suspended by the SPEAKER, on account of the time allotted to the consideration of resolutions having elapsed, again came up in the order of business:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the Senate, and the Speaker of the House of Representatives, do close the present session of Congress, by an adjournment of their respective Houses, on the 15th day of May next.

Mr. WRIGHT, of Ohio, said, I will offer you a few considerations which have led me to the conclusion that we cannot now proceed to determine the question, that we can bring our session to a close either on the 15th of May, the day mentioned in the resolution, or the 22d, the day mentioned in the proposed amendment. It is necessary for the House to proceed understandingly to decide so important a question. We have raised a committee of our oldest and most experienced members, to act jointly with a committee of the Senate, to ascertain what business it is necessary for us to do this session, and to determine at what time the session can be closed. That committee have bestowed their attention upon the subject; but, with all the lights of their experience and examination, have not been able to say when the business can be so far finished as to enable us to adjourn; and have so reported. Is no respect due to the report of such a committee? Are gentlemen prepared to say, they or the House have bestowed an attention on this subject, the committee has not? That we understand this matter better than the Committee? It would be well for us seriously to consider whether we are able to fix the day for adjournment when the committee cannot. It is not pretended but the committee have proceeded honestly and faithfully in the discharge of the duty assigned them.—What do gentlemen tell you? Have they taken the order books, examined your Bills and Reports, and ascertained when we can get through them—when the business can be done?—I have heard no such thing. No gentleman has said, nor will say, that he has examined the mass of business on your table, and learned how much time will be required to dispose of it. How much for private Bills, how much for public; or in what order either shall be considered, or what progress can be made in them by the 15th or the 22d of May? It is capricious to fix the day of adjournment without examination. Sir, I am as anxious as any other gentleman to adjourn; my private concerns require my attention. But we were not sent here by our constituents to prepare business for the decision of the House, and as soon as we get it ready to act upon, to go off and leave it undone. No: I will not abandon my public duties for my private affairs. Public duties require my first attention here; when they are done, I will go home and attend to my private ones.

You have, sir, I believe, 176 bills on your table, which, with reports of committees not connected with them, present us an aggregate of upwards of 200 different subjects to be acted on, without regard to what may come from our committees, or the Senate. A large portion of these are very important public bills; many of them private ones; others, private as they affect individuals, though public in regard to their magnitude, or as they affect the public domain, or the public justice, in affording remuneration for private property converted to the public use, in time of war or peace. Many of these private claims, originated in the war of the Revolution and during the late war, have been examined by committees, time and again, and acknowledged to be just. Many of those interested, and to whom their allowance is all-important, have presented their claims year after year; have knocked at your door for justice, and pressed a decision, and been sent home, that gentlemen might have an opportunity to attend to their

private business, until they have expended twice or thrice the amount of their demands, and until you have expended much more in the time exhausted in frequently preparing their business, in printing and then neglecting it. I ask, is this just treatment of your creditors?—Would it be just in an individual so to treat his creditors? I am not prepared to refuse justice to these individuals, in order to attend my private affairs. When we agree to serve the people here, we agree to postpone our own concerns, not theirs, and it is our duty to do so. To fix the time for closing the session without regard to what you have to do, imposes a limit upon your action, enabling any ten or twelve men in either house, to defeat all your important measures by merely speaking against time. I am unwilling to give any set of men such power over my actions. There are many subjects upon your table highly important to the State I come from, and deeply interesting to my constituents; they ought to be passed into laws. With my little experience in legislation, and the best reflection I can give this subject, I am convinced we cannot now limit the continuance of the session without endangering the best interests of the country.

Sir, I am no physician, regular bred or quack, but I will propose a remedy for the difficulty which seems to press upon gentlemen, which I think will be found efficacious. Let us meet an hour earlier in the morning, and devote the hour thus gained to petitions and original propositions; that done, apply ourselves to our work seriously, till our usual time for adjourning, and then continue in session an hour later in the evening, and devote that hour to the delivery of speeches on subjects which have ceased to be interesting, and upon which every member in the House has made up his mind, which are not intended to produce effect here, or throw light upon the subjects discussed. If I am told that gentlemen will not attend at so early an hour, I answer, those will attend who have any business to do, and it is only those who have no session now. If I am again told, we shall not secure the attendance of a quorum, the last hour of such a session, I answer again, neither the House nor the nation will lose anything by that.—What do you now daily witness? When gentlemen rise to deliver speeches, of the character I have mentioned, the members generally rise also—not to listen to the speaker, or understand his reasoning, but to get out of your door, away from it, to engage in business or amusement elsewhere; and you are, almost daily, left without a quorum. Members have a right to speak, but we have a right to have such speeches at an hour when none are expected to listen but those that please. The speeches will have all the effect they were intended to have—they can be printed, and published through the country.

The final question upon the resolution as amended, was decided—Yeas 149, Nays 29.

So the house then passed the resolution in the following form:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the Senate, and the Speaker of the House of Representatives, do close the present session of Congress, by an adjournment of their respective Houses on the 22d day of May next.

IN SENATE—MONDAY, APRIL 17.

Mr. RANDOLPH rose and said, I rise to ask for an explanation. In my newspaper of this morning, in a report of the proceedings of Saturday last, I find this statement:

“And that the conduct of the Chair might not be impugned by the procedure, Mr. Holmes took occasion to express his satisfaction that the motion had proceeded from an intimate personal friend of the Vice President, which itself would contradict the presumption, that any conduct of that officer had induced the proposition.”

Meaning, I presume, my motion to rescind the late rules, and to reinstate the former ones. I certainly, sir, offered the resolution in no such character; neither have I appeared in the character, at any time, of the personal friend or enemy of any gentleman on this floor, with one exception—as the personal friend of one gentleman. I do not think it necessary, sir, to say any thing more in reference to that matter, than that I have no doubt that the gentleman from Maine had grounds, that seemed very good to him, for the allegation that he has been pleased to make—grounds satisfactory to him. I could go on, and say very handsome things, but time as well as propriety requires me only to say that which is necessary—that the gentleman from Maine never had from me any authority to make