

CONGRESS.

HOUSE OF REPRESENTATIVES.

MONDAY, NOV. 20.

Mr. Eddy, of Rhode Island, offered for consideration the following resolution:

Resolved, That the act entitled "An act allowing compensation to the members of the Senate, members of the House of Representatives, and of the delegates and commissioners, and repealing all other laws on the subject," passed the first session of the Fifteenth Congress, ought to be so altered and amended that the compensation to the members and delegates aforesaid shall hereafter be six dollars for each day's attendance, and six dollars for every twenty miles' travel, instead of the compensation now allowed by said act, and that it be referred to a committee to prepare and report a bill for altering and amending said act accordingly.

The House then considered this Resolution, 51 to 53.

Mr. Storrs submitted the following:

Resolved, That the 18th Title of the Standing Rules and Orders of this House be annulled.

[The 18th Rule is in the following words:—

"Business referred to committees of the whole House shall be called for in the following order:—

- 1. Private bills which have passed the Senate, and have been reported favorably by the House.
2. Private bills reported by a committee of the House.
3. Bills and resolutions of a public nature.
4. Bills which have passed the Senate, and have been reported against by a committee of the House.
5. Reports unfavorable to petitioners."

The motion of Mr. Storrs lies on the table one day of course.

The resolution moved on Friday last by Mr. Blodgett, for altering the rules of the House with regard to petitions, was considered and agreed to; and that offered by Mr. Foot was agreed to.

Mr. Linn, of New-Jersey, submitted for consideration the following resolution:

Resolved, That the committee of Ways & Means be directed to inquire into the expediency of reducing the compensation allowed to members of Congress to six dollars per day, and a proportional reduction for traveling to and from the seat of government; and also of reducing the pay of all the officers of government that has been increased since the year 1809, to what it was at or before that period.

Mr. L. made a few remarks on introducing this proposition, the import of which was, that his opinion was, that Congress ought to go back to the year 1809, and to restore the compensations of public officers, &c. to the condition in which they then stood.

As the present proposition, however, was for inquiry merely, not requiring any expression of the opinion of the House, he hoped no objection would be made to it.

Ordered to lie on the table.

Mr. Cochrane, of Ten, submitted for consideration the following resolution:

Resolved, That the committee on the Military Establishment be instructed to enquire into the expediency of reducing the Military Peace Establishment of the United States.

And the resolution was agreed to without debate or division.

Mr. Smith, of N. C. submitted for consideration a joint resolution. In doing so, he expressed his earnest hope that, as a similar resolution had passed the Senate at the last session, but had not been acted upon in this House for want of time, it would have an early consideration at this session, and receive that approbation from the House which he thought it merited.

The resolution was twice read, and referred to a committee of the whole on the state of the Union.

And the House adjourned.

TUESDAY, NOV. 21.

Mr. Military submitted the following resolution for consideration:

Resolved, That the President of the United States be requested to lay before the House information respecting the progress made by the commissioners under the treaty of Ghent, in establishing the boundary line between the United States and the Canada; whether any part of the boundary line is settled; whether the Commissioners of the United States and Great-Britain have met during the present year; and how much money has been drawn from the Treasury, for the purpose aforesaid; and how much each Commissioner, Agent, or any person on their account, has drawn; the names of each person employed by the said Commissioners and Agents, in their respective capacities; the purposes for which each person was employed; the length of time employed; and the compensation each person has received for his service.

A statement of all the items of account rendered by each of said Commissioners & Agents, and the particular purposes for which the moneys drawn by them have been expended; the amount of compensation each Commissioner and Agent has received since his appointment; and whether any money has been allowed to, or retained by, said Commissioners and Agents, except the sum of \$444 44 cents per annum.

The resolution was agreed to nem. con. and a committee was appointed to present it to the President.

The motion submitted by Mr. Storrs on yesterday, to amend the rules and orders of the House, by rescinding the 15th rule thereof, was taken up and agreed to.

On motion of Mr. Abbott, it was

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of passing a law defining under what circumstances, and by what means, private property may be taken for public use, under the emergency of war, and providing that just compensation shall be made for the same; Also, of prescribing the manner in which soldiers may be quartered in any House without the consent of the owner, in time of war.

On motion of Mr. Smith, of Md. it was

Resolved, That the committee of Commerce be instructed to enquire into the expediency of admitting British vessels arriving from the Cape of Good-Hope, and the Mauritius, into the ports of the United States, on the same terms and conditions as if they had sailed from a port in Great Britain, so long as those ports are open to the vessels of the United States, on the same terms and conditions as to their own vessels.

And the House adjourned.

WEDNESDAY, NOV. 22.

After the presentation and reference of petitions, mostly of a private nature, but some of them relating to the proposed alterations in the Tariff, &c.

On motion of Mr. Fuller, of Massachusetts, without debate, it was

Resolved, That the President of the United States be requested to inform this House what naval force has been stationed for the protection of the commerce of our citizens in the West-India Islands and parts adjacent, during the present year, and whether any depredations by pirates or others, upon the property of citizens of the United States, engaged in such commerce, have been reported to our Government.

And a committee ordered to be appointed to present the same to the President.

On motion of Mr. Scott, the bill which originated at the last session, supplementary to the several acts for adjusting the land claims in the State of Louisiana and Territory of Missouri, was taken up and referred to the committee on Public Lands.

Mr. Linn moved to proceed to the consideration of his motion directing the committee of Ways and Means to enquire into the expediency of reducing the compensation of Members of Congress, and of the Officers of Government generally, to the rates at which they stood in 1809; but the House refused to consider the same.

Mr. Foot, of Connecticut, remarked that several propositions had been already made, looking to the expenditures of the government, none of which exactly corresponded with his views; (to exhibit which he offered for consideration the following resolution:—

Resolved, That the Committee on Public Expenditures be instructed to prepare and report a system of retrenchment in the expenditures of the various departments of the government, (not inconsistent with the public interest,) which will restore that rigid economy and simplicity becoming our republican institutions, and which the present stagnation of Commerce, and the embarrassments attending every branch of domestic industry, imperiously demand.

And the question being put that the House do now proceed to consider the said resolve, it was decided in the negative.

Mr. Cobb, of Georgia, presented to the chair, the following series of propositions:

1. Resolved, That it is expedient that the annual expenses of the government should be reduced; that, for the accomplishment of this object, it is further

2. Resolved, That all such offices as are not immediately necessary for the transaction of public business, and the abolition of which would not be detrimental to the public interests shall be abolished.

3. Resolved, That the salaries of all civil officers whose compensation has been increased since the year 1809 shall be reduced to what they were at that period.

4. Resolved, That it is expedient to reduce the number of six thousand non-commissioned officers, musicians, and privates, preserving such part of the corps of engineers, without regard to that number, as may be required by the public interest; and including such reduction of the general staff as may be required by the state of the army when reduced as herein proposed.

5. Resolved, That it is expedient that the appropriation for the creation of fortifications shall be so made as to require a less sum annually, by extending the time within which they shall be completed.

6. Resolved, That the act making the appropriation of one million of dollars per annum for the increase of the navy, be so amended as to extend the time within which such increase shall be made, and to reduce the annual appropriation to the sum of five hundred thousand dollars.

7. Resolved, That it is expedient to recalc from active service one-half the naval force now employed, and to place the same in ordinary.

8th Resolution refers the subjects of the preceding resolves to the proper standing and select committees, to bring in bills pursuant thereto.

The House having agreed to consider these resolutions—

Mr. Cobb said, he had no intention to bring on the discussion of them at this time, having presented them by way of notice to members, that they might be prepared to discuss and decide on them when called up. He was not even himself prepared at this moment to give his views of the subjects embraced in these resolutions; nor did he know that the House ought to proceed to act on them, until it should have received, first, the annual report of the Secretary of the Treasury, and, secondly, a report from the Secretary of War, required by a resolution of the House at the last session, of a plan whereupon a reduction of the army might be advantageously made. To place these resolves in a situation which would enable him to call them up at any time, he moved their reference to a committee of the whole on the state of the Union.

Which motion was agreed to; and The House adjourned.

THURSDAY, NOV. 23.

Mr. Lowndes, from the Select Committee, to whom was referred the Constitution furnished for their government by the people of the State of Missouri, delivered in the following Report:

The Committee to whom has been referred the Constitution of the State of Missouri respectfully report:—

That they have not supposed themselves bound to inquire whether the provisions of the constitution referred to, them be wise or liberal. The grave and difficult ques-

tion as to the restraints which should be imposed upon the power of Missouri to form a constitution for itself was decided by the act of the last session, and the committee have had only to examine whether the provisions of that act have been complied with. In the opinion of the committee, they have been. The propositions, too, which were offered in the same act to the free acceptance or rejection of the People of Missouri, have all been accepted by them. But there remains a question too important to be overlooked.

We know that cases must often arise in which there may be a doubt whether the laws or constitution of a state do not transcend the line (sometimes the obscure line) which separates the powers of the different governments of our complex system. It appears to the committee, that, in general, it must be unwise in Congress to anticipate judicial decision by the Exposition of an equivocal phrase, and that it would be yet more objectionable, by deciding on the powers of a state just emerged from territorial dependence, that it should give the weight of its authority to an opinion which might condemn the laws and constitutions of old, as well as sovereign states.

The committee are not unaware that a part of the 25th section of the 3d article of the constitution of Missouri, by which the legislature of the state has been directed to pass laws "to prevent free negroes and mulattoes from coming to, and settling in, the state," has been construed to apply to such of that class as are citizens of the United States, and that their exclusion has been deemed repugnant to the federal constitution. The words which are objected to are to be found in the laws of, at least one of the middle states, (Delaware,) and a careful examination of the clause might perhaps countenance the opinion that it applies to the large class of free negroes and mulattoes who cannot be considered as the citizens of any state. But, of all the articles in our constitution, there is probably not one more difficult to construe well, than that which gives to the citizens of each state the privileges and immunities of citizens of the several states; there is not one, an attention to whose spirit is more necessary to the convenient and beneficial connexion of the states; nor one of which too large a construction would more completely break down their defensive power, and lead more directly to their consolidation.

This much, indeed, seems to be settled by the established constitutions of states in every section of our Union: that a state has a right to discriminate between the white and the black man, both in respect to political and civil privileges, to give to the one, for instance, the right of voting and of serving on juries, which it refuses to the other. How far this discrimination may be carried, is obviously a matter of nice and difficult inquiry. The committee do not propose to engage in it. They believe it best, whenever a case occurs which must necessarily involve the decision of it, that it should be remitted to judicial cognizance.

In this view (which narrows their enquiries and duties) the committee are confirmed by a consideration of the embarrassments and disasters which a different course of proceeding might sometimes produce. When a people are authorized to form a state, and do so, the trammels of their territorial condition fall off. They have performed the act which makes them sovereign and independent. If they pass an unconstitutional law, and we leave it, as we should that of another state, to the decision of a judicial tribunal, the illegal act is divested of its force by the operation of a system with which we are familiar. The control of the general government is exercised in each particular case, in support of individual right, and the state retains the condition which it has just acquired, and would not easily renounce. But a decision by Congress against the constitutionality of a law passed by a state of which it had authorized the establishment, could not operate directly by vacating the law; nor is it believed that it could reduce the state to the dependence of a territory. In these circumstances, to refuse admission into the Union to such a state, is to refuse to extend over it that judicial authority which might vacate the obnoxious law, and to expose all the interests of the government within the territory of that state, to a legislature and a judiciary, the only checks on which have been abandoned. On the other hand, if Congress shall determine either to expound clauses which are obscure, nor to decide constitutional questions which must be difficult and perplexing, equally interesting to old states, whom our construction could not, as to the new, whom it ought not to coerce, the rights and duties of Missouri will be left to the determination of the same temperate and impartial tribunal which has decided the conflicting claims, and received the confidence of the other states.

The committee recommend the adoption of the following resolution:— This report having been read by the Clerk, the resolution therein referred to, was read as follows:—

Whereas, in pursuance of an act of Congress passed on the sixth day of March, one thousand eight hundred and twenty, entitled "An act to authorise the people of the Missouri territory to form a Constitution and State Government, and for the admission of such State into the Union on equal footing with the original States, and to prohibit slavery in certain territories," the people of the said territory did, on the nineteenth day of July, in the year one thousand eight hundred and twenty, by a Convention called for that purpose, form for themselves a Constitution and State Government, so formed, is republican, and in conformity to the provisions of the said act:

Be it therefore resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the State of Missouri shall be, and is hereby, declared to be one of the United States of America, and is admitted into the Union on an equal footing with the original states, in all respects whatever.

The resolution was then read a second time.

Mr. Lowndes moved to refer the resolution to a committee of the whole, on the state of the Union, which put it in the power of the House to act upon it at any time it thought proper. He need not say, there was no disposition to act upon this subject without full notice to all parties concerned; and if no other person did, he should himself, when proposing to call for the consideration of the report, give a day or two notice of his intention to do so. Whilst up, he took occasion to say, that this report, as indeed all reports of committees, must be considered as the act of a majority of the committee and not as expressing the sentiment of every individual of the committee. Agreed to.

On motion of Mr. Butler, of N. H. it was

Resolved, That the Secretary of War be directed to report to this House the regulations which he has adopted in the administration of the act of Congress of May 31st, 1820, entitled "An act in addition to an act to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary War, passed March, 18, 1818;" whether any persons, except paupers, or such as have been supported by public or private charity, have been continued on the pension roll; and, if any, whether the value of their property, as returned in their schedule, in any case exceeded 200 dollars, and how much; whether debts which the applicants owed have been, or are considered, in the estimation of their circumstances, income or means of subsistence; and how many are continued on the pension roll under said act.

Mr. Hill submitted for consideration the following resolution:

Resolved, That the committee on roads and canals be instructed to inquire into the expediency of opening a military and post road from some place on the Penobscot river, in the State of Maine, to the river St. Croix.

Mr. H. in introducing this resolution, said, that Maine was a frontier state, bordering on the British provinces for a distance of more than 500 miles. The distance from the Penobscot river to the British lines is not short of 120 miles. The road, for the greatest part of the distance, is impassable for any kind of carriages. The towns of Eastport and Lubec, with several others near the boundary line, are very fast rising into consequence. At Eastport and Lubec there is one of the finest harbors in the United States, and it is defensible. It was of great importance, he said, that there should be a good carriage road to the extremities of Maine, whereon to transport the mail; for, in case of another war with Great Britain, which he hoped would never happen, it will be a war, not on our territories, but on the ocean and in the English provinces. Mr. H. said, he was aware that a celebrated military sovereign of Europe remarked, that "he had no idea of making roads for his enemies;" but, said Mr. H. we have no fear of an invasion in Maine by land. In the late war, there was physical, moral, and mental, strength enough in Maine, if we had been masters of our own fortunes, to have driven the enemy from Castine, headlong into the sea. Moreover, there are no national vessels built in Maine, although possessing a sea-coast of two hundred and fifty miles, containing more than a hundred spacious harbors, having a population of 300,000, owning about one-ninth of the whole tonnage of the United States, and can furnish timber and ship-builders inferior to none in America; and yet we have no dock-yards, nor patronage from the nation. We have been patriotic and dutiful children, always ready to shoulder our muskets in the defence of our country's rights. Massachusetts expended a million of dollars in the late war which has not been refunded. One-third thereof belonged to Maine. She deplores the policy of those times, in our beloved parent state, but Maine has washed her hands from that pollution: she expects justice, magnanimity, and remuneration, from the general government, in some way or other. He hoped, therefore, the resolution would pass.

The question being taken on agreeing to said resolution, it was decided in the affirmative—52 to 41.

The House then proceeded to the consideration of the Orders of the Day; and, according thereto, resolved itself into a committee of the whole, on the bill "to provide for paying to the state of Illinois three per cent. of the net proceeds of the state of the public lands within the same."

After some explanation on the subject the bill passed to a third reading.

The House then resolved itself into a committee of the whole, on the report of the committee of claims on the petition of Elias Parks. [The case of Mr. Parks is substantially this: the petitioner had chartered a boat, on the morning of the attack on Oswego, (on Lake Ontario,) in May 1813, for the purpose of transporting merchandise to a place of safety. The boat had departed from Oswego in pursuit of that object, when she was ordered back by Col. Mitchell, who commanded the post, was taken possession of by Capt. Romaine, under that order, for the use of the troops, and the goods placed on the wharf, and, with the boat, put under the charge of sentinels. Afterwards, the fort being stormed, and the town taken, the goods fell into the hands of the enemy. The petitioner prays indemnification for his loss. The report of the committee of claims is, that his petition ought not to be granted.]

Mr. Storrs moved to reverse the report, so as to allow the petitioner the value of the goods in the boat at the time of its seizure.

The result of which was, that Mr. Storrs's motion was agreed to, and the decision having been reported to the House, was then concurred in, and

On motion of Mr. Storrs, the report was re-committed to the committee who reported it, with instructions to bring in a bill pursuant to the amended report.

FRIDAY, NOV. 24.

Mr. Smith, from the Committee of Ways and Means, presented the following Report:—

The committee of Ways and Means, to whom was referred the memorial of the inhabitants of S. dem.

Report: That the memorialists pray Congress to exempt from duty all imported books in the learned and foreign languages, whether re-printed in this country, or not; and all works of science, in the English language, which shall not be re-printed here within the term of one year from their original publication.

The committee submit the following resolution:—

Resolved, That it is inexpedient to grant the prayer of the memorialists.

The engrossed bill to provide for paying to the State of Illinois the amount of three per cent. of the net proceeds of the sales of public lands within the state of Illinois, was read a third time, passed, & ordered to be sent to the Senate for concurrence.

The House then resolved itself into a committee of the whole, on the report of the committee of claims unfavorable to the petition of John Cowan; which was concurred with.

GENERAL ASSEMBLY.

IN THE SENATE.

FRIDAY, NOV. 24.

On motion of Mr. Connor, the Senate proceeded to the appointment of Standing Committees.

Finance.—Messrs. Wellborn, Owen, Hill, Locke, B. Person, R. R. Johnson, Williams and C. E. Johnston.

Propositions and Grievances.—Messrs. W. D. Bond, Atkinson, Connor, M. Le d. Bond, Singleton and Baker.

Claims.—Messrs. M. P. Bell, Leonard, Hogan, Graves, Marshall, L. D. Wilson, R. D. Spaight and Lindsay.

On motion of Mr. Owen, the Message of the Governor was referred as follows:—

Circulating Medium & Treasury Notes, to Messrs. Owen, C. E. Johnston, Calloway, Glisson and Caldwell.

Banks and Specie Payments, to Messrs. Hill, B. Person, W. V. Speight, Taylor and M'Dowell.

Judiciary, suspension of Executions and Insolvent Debtors, to Messrs. Locke, Shober, L. D. Wilson, Wellborn and Houze.

Internal Improvements, to Messrs. Connor, Atkinson, Black, Foscoe & Rainborn.

Medical Board, to Messrs. Baker, Martin, Williams, Hogan and Lindsay.

Tariff of Duties, to Messrs. R. D. Spaight, Leonard, Holt, Bethel & Deans.

Boundary-line with Tennessee, to Messrs. Graves, Baird, Riddick, Singleton and Walton.

Mr. Deans presented a bill further pointing out the duty of Guardians of Minors, &c.—Referred to the Judiciary committee.

SATURDAY, NOV. 25.

On motion of Mr. Baker, a Committee on the Public Library was appointed, consisting of Messrs. Baker, Owen, R. D. Spaight, Phelps and Crudup.

Monday, Nov. 27.

Mr. Wilson presented a bill to repeal the act of 1815, allowing pay to the Superior Court Jurors of Carteret county.

Mr. Locke, from the Judiciary committee, reported the bill, pointing out the duty of Guardians, with amendments (requiring securities to be given every three years) which passed its second reading.

Mr. Williams, from Pitt, who had been appointed one of the committee to examine the Treasurer's Accounts, was excused from acting on that committee at his request, being a connexion of the Treasurer, and Mr. Perkins was appointed in his stead.

On motion of Mr. Shober, a committee of Military Land Warrants was appointed. It consists of Messrs. Shober, Loftin, Pharr, Holt, and R. D. Spaight.

On motion of Mr. Hill, the Judiciary committee were instructed to enquire into the expediency of repealing the act of 1806, requiring gifts of slaves to be in writing.

Tuesday, Nov. 28.

On motion of Mr. Leonard, a Committee on the Militia Laws was appointed, consisting of Messrs. Leonard, Atkinson, Bowers, Adams, and Alston.

Mr. Glisson, from the Committee of Elections, made a report on the case of Josiah Crudup, the member from Wake, which was committed to a committee of the whole, and made the order for to-morrow.

Wednesday, Nov. 29.

The Senate was engaged the most of this day, in committee of the whole, (General Wellborn in the chair), in discussing the report of the Committee of Elections on the resolution submitted by Mr. Baker, from Gates, proposing that the seat of the Senator Josiah Crudup, from Wake county, should be vacated, on the ground of his being an ordained minister and preacher of the Gospel.

After considerable debate, (a sketch of which shall hereafter be given,) the committee reported in favor of the resolution; but, at the request of Gen. Wellborn, the decision of the House was postponed till to-morrow.