

dent had seen the laws, that violated the constitution, and oppressed the people, without checking the officer, who had usurped unconstitutional power, and exercised flagrant oppression.

The gentlemen from South Carolina had called the charges contained in the resolutions mere assertions. Mr. Davis denied the truth of the remark. There was not a charge made that was not proved. If he had told the house that he had laid hold of the threads of a conspiracy, he might have been charged with making mere assertions.

Mr. Davis was not acquainted with the early character of Winthrop Sargent. But he was acquainted, which was more material, with his late and present character. He did know that in his recent actions he had exhibited the character 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 he got power, than he assumed the character of the tyrant, 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 would soon reach its end.

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

The subject had been, last session, introduced at a late day, and had from that circumstance been laid aside. He was then convinced, and still was convinced, that the charges are true. They are specifically stated and supported by a reference to their proofs. Can more be required? Why not then refer them? Will not a committee inquire into their truth? And should they be found untrue will not the committee say so? A reference presented the only course whereby justice could be done to those who complain, to the country at large, and to the individual criminated.

It appeared to Mr. Macon that it became that house to be the more attentive to these charges, as they came from a territory, unrepresented in our federal councils.

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

This had been the uniform mode. It had been practised in the case of the failure of the Western expedition under St. Clair. A committee had been appointed to enquire into the subject; though he granted that he did not recollect that the word *whereas* (so much objected to on this occasion) had been then used.

Nothing had been more common than to appoint a committee, 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 Sargent. It was not so. Gentlemen were mistaken. A reference involves no opinion, other than that a subject may be better investigated by a select committee than by this house.

Mr. HARPER asked whether it was in order to amend the resolution.

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 follows, as to make it read (we are substantially though not verbally correct) "that a Committee be appointed to enquire into the official conduct of Winthrop Sargent, which shall be authorized to send for persons, papers, and records."

Mr. Harper declared his object was to bring about an impeachment of governor Sargent, if he appeared on investigation to be guilty.

Mr. CLAIBORNE said he admired the object avowed by the gentleman from Massachusetts; but he then rose to ask the Speaker whether the amendment was in order.

The SPEAKER said it was in order.

Mr. EGGLESTON. I hold in my hands the rules of the house, where I find it declared that a motion for commitment shall preclude all amendment.

The SPEAKER, after some hesitation, said it certainly was so.

Mr. RUTLEDGE said gentlemen all seemed to agree as to the essence of the case, but to differ on the mode. He thought the instance referred to by the gentleman from North Carolina fully in point, and

altogether against him. In that case a committee had been appointed barely to enquire into the causes of the Western expedition. The resolution had not been prefaced by a long preamble; it had not ascribed motives of cowardice, or other reprehensible motives to general St. Clair.

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 move the previous question.

The previous question was then put, viz. "Shall the main question be now put?"

Which passed in the negative—Ayes 35. Noes 48.

Mr. HARPER then moved to strike out the preamble.

Mr. MACON moved a postponement of the question till to-morrow—Motion lost.

Mr. KITCHELL moved an adjournment till to-morrow, when we meet then, what will be the question before the house? We have decided that the main question shall not be put. Can that then be the question? Where will it be? Where shall we find it?

Mr. HARPER called to order; on a motion to adjourn there could be no debate. Motion for adjournment lost.

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

The SPEAKER declared the motion not in order.

Mr. DENT asked if it was not in order to commit the motions of both the gentlemen from Kentucky and South 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 previous question, and not the main one.

The SPEAKER acknowledged that it was so, but declared the proposition of Mr. Dent out of order.

The question was taken on striking out the preamble, and carried, 48 members rising in the affirmative.

Mr. HARPER then moved to amend the concluding resolution moved by Mr. Davis, by striking it out, and introducing in its room the motion already stated as made by Mr. Harper.

Mr. RANDOLPH desired to know, whether it was in order to move an amendment to the amendment of the gentleman from South Carolina.

The SPEAKER said it was in order.

Mr. RANDOLPH then moved the reference to the committee of the laws, documents, and other papers accompanying them.

The SPEAKER said that appeared to him to be the amount of the original resolution.

Mr. RANDOLPH replied that the original resolution was for the transmission of them to the President.

The SPEAKER acknowledged that it was so; and stated the motion of Mr. Randolph.

Mr. CHAMPLIN thought the motion out of order—

Mr. HARPER rose to call the gentleman to order. The Speaker had already decided the motion to be in order.

The SPEAKER again pronounced the motion to be in order.

A desultory debate ensued between Mr. Randolph, Mr. Griswold, Mr. Harper and Mr. Nott.

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 occasion. All the gentlemen, who have spoken against 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 step; and thus they strive to baffle every motion, whose object is a fair and full investigation.

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

Mr. RUTLEDGE was in this stage of the business opposed to the amendment of the gentleman from Virginia, though he had no objection to agree to it, after the motion of the gentleman from South Carolina was agreed to.

Mr. DAVIS appealed to gentlemen, whether they were serious in wishing to send for persons and papers? Could they expect to get them during the session from a country 1700 miles off?

The SPEAKER called to order. The main question was not before the house. What

ever was said must be on the amendment. Then, said Mr. DAVIS, I will say nothing about it, and set 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. Harper, the words, "to send for persons, documents and papers." His motive was dictated by a desire to obtain speedy justice for this oppressed people. The necessary proofs were before the house. If the committee were tied 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 certainly immediately inquire into the subject; and from the documents that would be layed before them, they would be able to act with effect without much delay or great expence. To test the sincerity of gentlemen he moved to strike out those words.

Mr. HARPER said that the motion carried an implication that his friend from Tennessee would not be willing to allow; either that a criminal might escape unpunished, or an innocent 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 presumption of guilt; would it not be desirable to invest them with the right of making further enquiry? Suppose, on the other hand, that the charges appear to them true, had not the experience of ages justified the priority of the maxim *audi alteram partem*? How can this dilemma be surmounted but by imparting to the committee all the powers required for making a full and fair enquiry? Unless this be done you may convict the governor without testimony, or dismiss him, though you think him criminal.

Mr. SMILIE. If extortion has been practised by Winthrop Sargent, if unconstitutional laws have been passed, it is the duty of Congress to interpose its authority, and redress these great evils. In such cases delays are dangerous. He was, therefore, for those measures that provided the most immediate and effectual remedy.

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 I stand forbids the indulgence of such a fear. Before the exhibition of the documents I had suspicions; but now I have convictions. The unconstitutional laws, officially communicated, are proofs whose authority I dare not resist. They are before the house. Any member may read them. I deny, pursuing the course we wish to pursue, that Winthrop Sargent can be punished unheard. The committee, after solemn enquiry, will report to us a statement of facts; on which an impeachment may be grounded; and when impeached, Winthrop Sargent will be heard in his defence, and your managers may be empowered to send for persons and papers. Let gentlemen, who hesitate on this subject, recollect that a delay of justice is often equal to a denial of it.

Mr. Claiborne's last words were scarcely uttered, when a person in the gallery clapped.

Serjeant, said the SPEAKER, see to that man.

[The Serjeant went into the gallery and took the person out, without resistance.

We understand that he was kept in confinement by the Serjeant for about two hours; in consequence of which, and the loss of his horse, which he had fastened to a shed near the Capitol, and which was not to be found when he was released, he that very day obtained a warrant from a Magistrate against the Serjeant at arms for illegal confinement.

Though these circumstances are stated upon, what is deemed by the Editor of the National Intelligencer, good authority, yet he declines a responsibility for their accuracy.]

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 opinion, so far from evidencing an indisposition to meet the subject, was the strongest evidence of the sincerity and adherence to justice of those who supported it.

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 send for persons or papers. He was astonished at the ideas of some gentlemen. Could they expect this house to be governed by the opi-

nion 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 farther. If not decisive, shall they substitute the opinion of the gentleman from Tennessee in the place of their own convictions? He hoped not. If gentlemen are serious in the expression of their wishes for a fair enquiry, let them give the committee full powers.

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 occupied in going and returning from the Mississippi territory, 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 powers.

It was presumption to suppose, as the arguments of gentlemen did suppose, that the committee about to be appointed will desire to exculpate Winthrop Sargent. Was it candid to imply that they would be corrupt? The supposition of a denial of justice went on the idea that they would violate their duty in screening from punishment a criminal.

If the laws are unconstitutional the committee will say so. But having done this, there remains a duty still more important. They must go into the intentions of governor Sargent. How could they be ascertained but by that comprehensive investigation that would be derived from examining persons and papers. Why then deny this authority in the first instance, when it will ultimately be necessary? The ideas on which it was opposed, such as the distance and the time it would require, were frivolous, such as he could neither admit as reasons, or argue from as premises.

Mr. RANDOLPH. The gentleman who has just set down, has impeached with unwarrantable acrimony, the purity of our motives and our candor, because we differ from him on the course proper to be taken on this subject. Mr. Randolph was truly sorry that the gentleman had suffered such an accumulation of rancour to collect in his mind, as he had just poured out upon his side of the house. Every imputation hurtful to a feeling mind had been lavished.

Since, then, said Mr. Randolph, the gentleman has become the *ensor morum* and inquisitor of our hearts, permit me to draw the outlines of theirs.

The gentleman, after an unbroken silence during the whole debate, rises and tells this house, that they have spent their time most fruitlessly and idly, and that after wandering for hours round a meander not half an inch in diameter, they had got back to the very point from which they had started. Did that gentleman recollect that the half inch meander, of which he spoke, designated the understanding of those with whom he acted, who perpetually moving in a circle, after all their labors, arrived at the point from which they first set out?

Instead of uniting with us in an enquiry into those serious charges you have heard, instead of aiding us with your talents, instead of performing their duty, gentlemen satisfy themselves with holding up before us a mere *ignis fatuus*. Under the idea of desiring a substantial investigation, they are converting us into a jury on life and death; and they will not suffer us to take a single step to bring a criminal to justice, without previously possessing the most incontrovertible proofs of his guilt. It is in vain that we answer that we are an initiating body, and that our present measures lead to that stage of the business, in which legal testimony will be required, still, deaf to our reasons, they call up expedients that can only tend to defeat the measure, and have the boldness to tell us that we are moving in that very meander which they themselves occupy.

Gentlemen on this subject are unusually