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CONGRESS OF THE UNITED STATES.

House of Representatives.

Monday, Dec. 22.

MISSISSIPPI TERRITORY.

Debate concluded.

The motion made on Friday by Mr. Davis, to refer to the committee to whom had been referred a memorial of the House of Representatives of the Mississippi Territory on the official conduct of Governor Sargent, the following resolution; (concluding a specification of unconstitutional laws enacted by the governor in conjunction with the legislature, and of sundry opprobrious acts committed by him) viz. "*Resolved that the laws passed by the Governor and Judges of the Mississippi Territory, and the petition of Cato West and others, herretofore presented to the house, together with all the documents relative thereto, be transmitted to the President of the United States,*" was taken up and on the question of reference,

Mr. Randolph, in a tone of voice which did not enable us from our remote situation difficultly to hear him, made some remarks on the reference of the *memorial* of the House of Representatives of the Mississippi territory.

The Speaker said the question was on the reference of the *resolutions*, and not the memorial.

Mr. Randolph replied that his observations had reflected a resolution founded on the memorial, and requested that it should be read.

The Speaker put the question whether it should be read, which was carried.

The parts of the resolutions before the house requested having been read;

Mr. Randolph again rose. I do not find any attention made in these propositions, the truth of which may not be fulminated by every member from the documents before the house. The first proposition is predicated on the resolutions of the citizens of the Mississippi territory; and with respect to the other propositions, which gentlemen say *may possibly be true*, if they would give themselves the trouble of turning to the code of laws for the Mississippi territory, which had been laid before them in an official shape by the President of the United States, they will find no charge founded on them, that is not completely substantiated.

I do not consider the resolutions as covering dubious ground, but as resting upon firm facts; and the gentleman from Kentucky, who introduced these resolutions, ought to be contemplated as discharging his duty as a member of this house, as an upright citizen, and as a neighbour to the oppressed territory. There is no misapplied feeling expressed in the resolutions; on the contrary they contain little more than abstract propositions. I trust, therefore, that this house will throw no impediment in the way of examination. I trust they will be referred to a committee, and that such committee will present the whole affair before the people and the government.

The government was called upon, if it regarded its honor, to enquire into these charges—They were high and serious ones; and if true, required immediate and decisive redress. The gentleman from Massachusetts ought to co-operate in the accomplishment of this end, without involving in the discussion considerations of federalism of which he may consider himself as the primary orb, and other gentlemen as the satellites.

Mr. Otis explained. He had made no such allusion either to himself, or the gentleman from Kentucky, of whom he had only spoken as of one who inhabited a satellite, meaning by that phrase Kentucky.

Mr. Randolph. I did not affect what the gentleman denies. I did not say the gentleman *actually did*, but *may*, consider himself as the primary orb.

I hope the house, after what I have said, will no longer be infuriated by the declamation on this floor, that laws *officially* communicated *may* have been passed. I hope that in any event, effectual measures will be adopted, which shall not even wound the susceptibilities of gentlemen.

When this officer was appointed, these charges were made and supported, the unconstitutional laws existed, still He was turned and fortified with definitive power.

Sir, said Mr. Randolph, I never wish to blunt the sword of justice by directing it against innocence or virtue. I wish it only turned against the criminal. The object of the resolutions is to acquit governor Sargent, if innocent; to convict him, if guilty. Is not this fair; is it not honorable; and ought not this house to promote it?

Mr. Harper. I apprehend that the honorable member has totally mistaken the course of the business. He was correct, said he, when he said; but he still perseveres in the error. The people 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 thing of resolutions traducing 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 not in the form of an address to the President desiring from him the removal of an officer who had violated his duty; but it stoffers you a string of prepatlatory Bigmashing remarks, and concludes with directing certain laws, alleged to be unconstitutional, to be transmitted to the President. Does the President want these laws? Is he ignorant of them? Had he not them before we received them from the Senate?

Are we then by this side-wind to hint to the President that we with the governor of the Mississippi Territory removed? It would be more consistent with the ideas of honor expressed by the gentleman from Virginia, to come forward fairly and avowedly with such an address. Such a measure would certainly be novel; but still it might be right.

These were not the plain, fair means pursued for the attainment of an avowed end. The means were very different. They tended solely to the traduction by this house of a public officer.

The gentleman from Kentucky had called the governor of the Mississippi Territory, after heaping reproaches upon his character, a vein of the great trunk. The allusion did not answer his purpose; but if it did, I will ask the gentleman, whether, even if the vein were removed, the great trunk would not still remain. The simile was therefore nugatory.

This same question had been before the house at the close of the last session. It had been warmly offered on the very last day. It had been laid aside. The same circumstances, then existing, attend it still. It is innocently the same.

The contents of the resolution had gone forth to the world. They had carried with them that weight that was derived from their having been offered by a member of this house. They struck at the honor and integrity of a man, who for the age of fifty six years sustained a character, not only unimpeached, but embellished with many virtues. Though this character may be impaired by some recent incidents, since his appointment to the government of the Mississippi Territory, of which Mr. Harper was entirely ignorant, all the charges now made were opposed by the preceding action of his life.

Upon the whole, if a proper plan be pursued, instead of sanctioning these resolutions by a reference of them, a committee may be appointed, who may enquire extensively into the subject; after reporting to us all the information they can collect the gentleman from Kentucky can add his and a just decision be then made. This conduct will be more appropriate than any implied address to the President. For if the charges are true, we should be lost to political integrity, and should betray our truth, if we did not immediately take higher ground; if we did not proceed *ad hominem*, and impeach the flagrant violator of his duty. And I pledge myself, that in such event, if no other member shall, to move the impeachment.

Mr. Claiborne. I cannot subscribe to the character given to Winthrop Sargent by the gentleman from South Carolina; and when that gentleman calls him amiable, I can only tell him that such an opinion is opposed by the united voice of the western world. But on this subject I must forbear, for with the whole part of Western America I have feelings that would hurry me into an expression of sentiments which a member of this house should not indulge.

The gentleman from South Carolina was not truly informed on this subject. The memorial, on which some of the charges were made in the resolutions offered by the gentleman from Kentucky, was addressed to Congress, and not to the President of the United States. It was fair to suppose that the President was unacquainted with its contents. For had he known them, he were to be hoped, that for the sake of vindicating the rights of an oppressed people, he would have removed their tyrant.

The gentleman from South Carolina and the gentleman from Kentucky themselves averse to the reference of the resolutions, left by it they should give a function to the charges preferred. But does the house function the to be hoped, that for the sake of vindicating the rights of an oppressed people, he would have removed their tyrant.

Do they not, on the contrary, refer for the very purpose of ascertaining them? Was not this the case every day? Was such a resolution or petition, on this ground, ever opposed? If it had been, it was not since he was a member of the house.

If the resolutions be referred, what will be the effect? If the charges exhibited are found to be untrue, the investigation will terminate in the triumph of innocence; if, on the other hand they are proved to be true, he would proceed further, as far as the gentleman from South Carolina, and apply a constitutional corrective. By a constitutional corrective, he meant an impeachment; and he would not only have this man punished as a public officer, but he would hold forth his punishment as a terror to others.

Mr. Griswold. The remarks made by the gentlemen go to shew an insufficiency in members of this house to investigate the subject. This is not the fact. We say that the investigation is in a train of being made. The petition of Cato West, and the memorial of the House of Representatives of the Mississippi territory, have been referred—Under these circumstances, the subject generally is before the committee. To go further at present, would, we say, be wrong. For if we do refer alfo the facts stated in the resolutions, we take it for granted that they are true, and refer to the committee the expediency of adopting an inference 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; and was no partizan 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 pronounce 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 upon the rack. This was introducing an old principle; a principle, which it was our boast that we had discarded. A rack was brought into this house; 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 committee 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 demand upon their truth? Few members had investigated them in such a 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 taken. The culprit should be summoned before the bar of this house, and he 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 felt averse to censure any man for offences uninvestigated and unproved.

Mr. Harper here explained what had fallen from him in a previous part of the debate. He had not said, or, if he had said, it had not been his design to say, that these resolutions were intended to traduce the character of an individual, but that such were their effect. He knew nothing about the intention of the mover.

Mr. Dennis thought the question then before the house an improper one. For whether adopted or rejected, it would inadequately express the opinion of members. On the one hand, it was contended, that if agreed to, it would contain a proof of the truth of serious charges against the character of a public officer; and if rejected, it would express an opinion that those charges were false. Mr. Dennis, who was not prepared either to approve or condemn the conduct of Winthrop Sargent, hoped the house would pursue another course: and if, in conformity to his wishes, the resolutions then offered should be disinffed, he would himself propose a more general resolution, for the appointment of a committee to enquire into the official conduct of Winthrop Sargent, and report to the house the result of their enquiries. Such a resolution would convey neither approbation or censure; and it would be free from that long string of preambles which prefaced the present resolutions. These were certainly improper; for however gentlemen might concur in certain generaldeductions, few men agreed in all points in the reasons assigned for any particular act.

Mr. Craik thought the object of the resolution itself improper. He defired to know in what part of the constitution was to be found the right to move for the diffmission of a public officer, or to impose a censure upon 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 flep would be improper. It involved in it the exercise of powers which we did not possess. If the object of the gentleman, as professed, was to communicate information to the President, this object could be attained by the gentleman by his withdrawing the papers then before the house, and delivering them, in the capacity of a private citizen, to the President, who alone was authorized by the constitution to remove a public officer, except 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 *whereas's*, and others says that by referring them, we should sanction the truth of the charges. This was not the case. They stand upon the same footing with any petition presented, which always contains some facts, to tell the truth of which a reference is invariably made. The reference amounts to nothing more than an acknowledgment 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 facts that are proved, and from such a comparison make a report; and will not that report be open to examination, revision and amendment, by any member of this house?

The gentleman from South Carolina, as was usual with him, had made remarks on this subject, without knowing where to begin: and had asked if the laws complained of had not been prefented by the President to the house? It was certainly true, that they had been so prefented. But this was saying very little for the President; when it admitted that the Presi-