

dent had seen the laws, that violated the constitution, and oppressed the people, without checking the officer, who had urged unconstitutional powers, and exercised tyrant oppression.

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

Mr. Davis was acquainted with the early character of Winthrop Sergeant. He did know that he was more material, with his late and present character. He did know that in his present 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 opposed 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 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 diverse.

The subject had been laid before the house 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 to? Will not a committee inquire into their truth? Will not a committee be found untrue until 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 criminals.

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

Gentlemen may impeach this officer, legally. Could there be a more appropriate mode of leading to this effect, than by the appointment of a committee, on whose report a resolution of facts the house would be justified in acting?

This had been the uniform mode. It had been resorted to in the case of the officers of the Western expedition under St. Clair. A committee had been appointed to enquire into the subject, and he gratefully remembered that he did not recollect that the words "whereas" or "which" occurred on this occasion, had been then used.

Nothing had been more common than to appoint a committee, and then give them certain instructions, to inquire into certain things. But we are told from all quarters that we cannot pass the resolution without fashioning the charges and defining 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 offered 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 to insert the resolution as follows, as amended: "Resolved, that we are unanimously and verily corrected, that a committee be appointed to enquire into the official conduct of Winthrop Sergeant, which shall be authorized to send the papers, 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. GRAYSON said he admired the object avowed by the gentleman from Massachusetts; but he then rose to ask the Speaker whether the resolution was in order.

The SPEAKER said it was in order.

Mr. EGLESTON. I had in my hand the relevant of the house, where I find it declared that a motion for amendment had prevailed all this morning.

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

Mr. WINTHROP said gentlemen all seemed to agree to the effect of the resolution, but he then rose to offer the following amendment: "Resolved, that the influence conferred by the gentleman from North Carolina fully in point, and

together against him. In that case, however, had been appointed barely to enquire into the causes of the Western expedition. The resolution had not been preferred by long preamble, it had not admitted motives of cowardice, or other reprehensible motives to general St. Clair. The subject seemed to be controlled by the rules of the house. He approved this mode recommended by his colleague; and he was the purpose of attaining that he would move the previous question.

The previous question was then put, viz: "Shall the motion be agreed to?"

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

Mr. HARPER then moved to strike out the whole of the preamble, and to insert the following: "Resolved, that we are unanimously and verily corrected, that a committee be appointed to enquire into the official conduct of Winthrop Sergeant, which shall be authorized to send the papers, papers, and records."

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

Mr. KATHEBEL moved an adjournment till to-morrow. He proposed that he would move the question before the house? We have decided that the main question shall not be put. Can that then be the question?

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

Mr. DAVIS moved a committee of the members of the house to be appointed.

The SPEAKER declared the motion not in order.

Mr. DEBT asked if he was not in order to commit the motion to a select committee from Kentucky and South Carolina to enquire into the subject.

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was found met on the amendments.

Then, said Mr. DAVIS, I will say nothing about it, and sit down.

The question on Mr. RANDOLPH's motion was then put, viz: "Resolved, that the committee be empowered to enquire into the official conduct of Winthrop Sergeant, which shall be authorized to send the papers, papers, and records."

Mr. CLAY moved to strike out the whole of the preamble, and to insert the following: "Resolved, that we are unanimously and verily corrected, that a committee be appointed to enquire into the official conduct of Winthrop Sergeant, which shall be authorized to send the papers, papers, and records."

Mr. HARPER, the words "whereas" or "which" occurred on this occasion, had been then used.

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in any one member, who tells that in his opinion certain facts exist that criminate a high public officer? If the documents a true dictate, the committee need go no further. If not decisive, shall we then be 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 the good of the country, let them give the committee full powers.

Mr. MACON asked gentlemen in favor of retaining these words, to consider the influence to which they would have to find, which was 1700 miles, and to calculate the time occupied in going and returning to the Mississippi territory, and then to find whether a return would not be impracticable during this time. He thought it would, and so with another reason was for an immediate enquiry.

Mr. BIRD. Let it be the intention of gentlemen that the committee, they will appoint, shall be exclusively guided by their own documents, which they, as accusers, held in their own hands? Is it 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 preferred, but had been dogged by a suggestion of imaginary difficulties, and tortured into the most absurd meaning. It was strange that gentlemen of high talents should after waddling along round a cucumber, not halt an inch in diameter, and then be so stupid as to suggest, which was appointed a common committee with common powers. He called them common; for every committee appointed on such a subject, he called them common.

It was impossible to suppose, at arrangements of gentlemen did suppose, that the committee about to be appointed will desire to excite Winthrop Sergeant. Was it a suggestion of imaginary difficulties, and tortured into the most absurd meaning? The supposition of a doubt of justice on the idea that they would violate their duty in freeing from punishment a criminal.

If laws are unconditional the committee will say so. But having done this, there remains a duty still more important. They shall go into the intentions of Governor Sargent. How could they be ascertained but that comprehensive investigation that would be derived from examining papers and papers. Why then deny this authority in the first instance, when it will remain by necessity? The ideas on which it was applied, 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 left down, has impeached with frontal harmony, the purity of our motives, and our intentions. He has taken from him on the coast, perhaps to be taken from this subject. Mr. Randolph was truly sorry that the gentleman had denied his authority in the first instance, to call in his mind, as he had done, to call in upon his file of the house. Every imputation hurtful to a feeling mind had been laid.

Since, then, said Mr. Randolph, the gentleman has become the *center mundi* and inquirer 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 cold fruitfully and idly, and that after waddling for hours round a mean cucumber, he has returned, and he did not get back to the very point from which they had started. Did that gentleman recollect that the half-inch cucumber, who he had just mentioned, was intended to be a figure, and not a real cucumber, and that he was perpetually moving in a circle, after all their labors, arrived at the point from which they first set out?

Mr. RANDOLPH. I thought the committee ought to be empowered to find for papers and papers. This measure, in his opinion, far from evidencing an disposition to meet the subject, was the National Intelligencer, and was a reference to justice of those who supported it.

Mr. NORR considered, (as well as could be done) the words in dispute as little of any importance.

Mr. GRISWOLD hoped the words would not be struck out; for if they were struck out the effect would then be to put the committee under the same pressure or papers. He was astonished at the idea of some gentlemen. Could they expect this house to be governed by the opi-