

why this proposal to enquire into it should not be laid on the table, was that, if the fact should be confirmed, there were other and higher duties than those of enquiry which this house would be called on to perform. It would be found, on an examination of the rules and articles of war, that *after conviction by a court martial*, a commanding officer may approve a sentence of death; but, in peace, no military execution could legally take place, but by approbation and authority of the president of the United States. Now here was a case stated, in which death had been inflicted, not only without the authority of the president, but without trial by a court martial. If the law martial is not strong enough to prevent such excesses, said Mr. T., we must try some different mode.

Mr. Merer, of Virginia, said it appeared to him that, upon the information which had been given to it, it had now become the imperious duty of the house to prosecute this enquiry—not only for the reasons stated, but because it had been asserted, and contended even in this house, that the rules and articles for the government of the army, are not binding on the army after it passes the limits of the United States.

Mr. Holmes, of Massachusetts although he did not approve the mode of the enquiry proposed, was yet opposed to the motion being ordered to lie on the table. He was in favor of the enquiry proposed, but he was not for submitting the question for the decision of the executive, what military executions had been *legal* or otherwise. That was a question which this house ought to decide for itself. If the motion to lay the resolve on the table did not prevail, he said he should propose an amendment, the object of which would be, to refer the enquiry to the committee on military affairs, and not to the executive. All the information in possession of the executive could be obtained by them, as well as information from other quarters, which might be very different from that in the possession of the executive. Mr. H. said he would not leave the enquiry limited. It was enough for him that the blood of a citizen had been shed; it was enough for him that he had heard so to authorize the institution of an enquiry.

When a soldier was slain by his officer, or by the orders of his officer, it was the duty of the house to enquire into it, and in the mode most likely to be effectual—which, in his opinion, was by referring the subject to a committee. The question was then taken on laying the resolution on the table, and decided in the negative without a division.

Mr. Holmes then proposed the amendment above indicated.

The motion gave rise to some discussion, in which Messrs. Williams, Holmes, Strother and Lowndes took part; being negatived—90 to 73.

The original motion of Mr. Williams was then agreed to, *nam. con.* and a committee of two members ordered to be appointed to lay the same before the president.

RESTRICTION ON SLAVERY.

Mr. Taylor, of New York, said he rose to invite the attention of the house to a subject of very great moment. The question of slavery in the territories of the United States west of the Mississippi, it was well known, had at the last session of Congress excited feelings, both in the house and out of it, the recurrence of which he sincerely deprecated. All who love our country, and consider the union of these states as the ark of its safety, must ever view with deep regret sectional interests agitating our national councils. Mr. T. said he could not himself, nor would he ask others, to make a sacrifice of principle to expediency. He could never sanction the existence of slavery where it could be excluded consistently with the constitution and public faith. But it ought not to be forgotten that the American family is composed of many members; if their interests are various, they mutually must be respected—if their prejudices are strong, they must be treated with forbearance. He did not know whether conciliation were practicable, but he considered its attainment worthy of an effort. He was desirous that the question should be settled in that spirit of amity and brotherly love which carried us through the perils of a revolution, and produced the adoption of our Federal constitution. If the resolution he was about to introduce should be sanctioned by the house, it was his purpose to move a postponement of the Missouri bill to a future day, that this interesting subject, in relation to the whole western territory, may be submitted to the consideration of a com-

mittee. Mr. T. then introduced the following resolution:

Resolved, That a committee be appointed to enquire into the expediency of prohibiting by law the introduction of slaves into the territories of the United States west of the Mississippi.

Mr. Strother, made a few remarks, the purport of which was, that although the question was already before the house, as involved in the bill for the admission of the Missouri territory into the Union; yet when a proposition was made having for its object a compromise of conflicting opinions, it became members to meet it in a spirit of harmony. He proposed, however, that the proposition should lie on the table till tomorrow, to give time for reflection on it.

Mr. Taylor assenting to this course—the motion was ordered to lie on the table; and the house adjourned.

DECEMBER 15.

On motion of Mr. Taylor, of New York, the house proceeded to the consideration of the resolution yesterday offered by him, in the words following, to wit:

Resolved, That a committee be appointed to enquire into the expediency of prohibiting by law the introduction of slaves into the territories of the United States west of the Mississippi.

Mr. Taylor said, it was not his purpose to go into any discussion of the merits of this proposition; nor, he believed, would any discussion assist the end he had in view. If a compromise of opposite opinions was to be effected, it appeared to him better that a committee should be appointed to examine into it, and make their report; and that the question should not be moved in this house until that committee should have expended their best efforts on this object.

The question was then taken, without debate, on agreeing to the resolution, and decided in the affirmative, without a division. A committee of seven members was ordered to be appointed accordingly.

Mr. Taylor then moved to postpone until the first Monday in February next, the order of the day on the bill authorising a convention of the People of Missouri, for the purpose of forming a constitution and state government.

Mr. Lowndes said, he thought the day which was proposed for the postponement was too distant; and that the question whether any compromise could be effected might be decided in a much less time than that. He

could hardly suppose that the glimpse

of the possibility of a compromise, which had appeared, ought to induce the house so long to postpone the consideration of this measure. He did not desire to go on the subject immediately, but wished it to lie on the list of orders of the day, until the house was ready to take it up.

Mr. Livermore, of New Hampshire observed, that the Missouri question was of great moment, and deserving of full consideration, and one that was unfortunately calculated to excite irritation.

He therefore hoped that it would be postponed to a late day in the session, that other business of a pressing nature might be first disposed of. It could not be material whether Missouri be made a state this day or at the end of the present session.

Mr. Scott, Delegate from Missouri, said he hoped that the proposition to postpone till the first Monday of February would not succeed. It was of vast importance to the people of Missouri that an immediate decision should be made on this question. If the bill passed at an early day, the people would then have time to meet in convention, form their constitution, organize their government, elect members to a general assembly, on whom it would devolve to choose senators to the congress of the United States. If, on the other hand, the bill ultimately was lost, it was equally necessary that the people should be soon apprised of its failure, that they might have time to act for themselves, and frame a form of government, which he was convinced they would do, without waiting to again apply to congress for the mere means of organization.

The resolution which had been adopted furnished no good reason for the postponement—because it only proposed an enquiry into the expediency of the measure in relation to the territories and could not control the constitutional enquiry, and right of the people of Missouri to form their constitution as a state.

Mr. Taylor replied. With regard to the prospect of success to his proposition, he could only say, without knowing the opinion of any other member, that he had a sincere disposition to accomplish the object of the proposition he had submitted. And should he fail of his object, it appeared to him the first Monday in Febru-

ary would be time enough to commence what he feared would be a most unprofitable and unproductive discussion. With respect to the people in Missouri, Mr. T. said, it would be time enough for him, he presumed, after the first Monday in February, or even after they learnt the decision of this house, to elect a convention and form a constitution without the authority of congress.

Mr. Anderson, of Kentucky, was opposed to the proposed postponement. The discussion of this bill might well go on, without reference to the object embraced by the vote of this morning, which had no bearing on the question whether or not one of the territories should be admitted into the Union. With regard to the discussion, which it was supposed would be disagreeable, Mr. A. asked whether that on the report of the committee this day ordered to be appointed, would be less so? The two questions embraced the same points. Even the complete success of the proposition of the gentleman from New York could not prevent the discussion on the question, which must arise during the session on the admission of the territory of Missouri into the Union. He hoped the postponement would not take place.

Mr. Brearley, of Virginia, was opposed to so long a postponement as was proposed; because, the territory possessing the requisite population, &c. every moment's delay, considering the practice of the government heretofore, was an infraction of its rights.

Mr. A. particularly desired, when this question was taken up, that it should not be by surprise, in such manner as to deprive gentlemen of the opportunity of expressing their opinions on it. He himself had, he said, at the last congress, taken some pride in recording his vote against the introduction of slaves into the territories of the United States, because that measure was within the fair scope of the legislative power. At the same time, he considered it inconsistent with the most solemn obligations to respect the constitution, for congress to clog the admission of any independent state into the Union with any condition whatever, except that the constitution formed for its government should be republican. He concluded by moving the 2d Monday of January as the day to which the bill should be postponed.

And, on the question, the order of the day on the Missouri bill was postponed to the second Monday in January.

SENATE.

DECEMBER 20.

Mr. Leake, of Mississippi, laid upon the table the following motion:

Resolved, That the committee on public lands be instructed to enquire into the expediency of so altering the laws concerning the sale of public lands, as to divide the sections and fractions of sections into half quarter sections. And also, where lands have reverted to the United States for non-payment, to direct the sale thereof again at public auction, upon the terms and conditions of all other public sales. And also, that from and after the — day of — credit shall not be given on sales of public land, but the same shall be sold for money only.

The motion offered by Mr. Merrill, on the 16th inst. directing an enquiry into the expediency of reviving the act of 1806, for providing for persons disabled by wounds received in the Revolutionary war, which expired at the close of the last session of Congress, was taken up and agreed to.

The motion offered by Mr. Dickerson, on the 16th inst. directing an enquiry by the committee on finance, into the expediency of so altering the laws for appointing collectors of the customs, district attorneys, receivers of public moneys, surveyors of the public lands, registers, and such other officers as may be thought proper, as to have those officers appointed for limited periods, subject to removal, as heretofore—was taken up and agreed to.

HOUSE OF REPRESENTATIVES.

The following Message was received from the President of the U. States, by the hands of Mr. J. J. Monroe, his Secretary.

To the Senate and House of Representatives of the United States.

Some doubt being entertained respecting the true intent and meaning of the act of the last session, entitled "An act in addition to the acts prohibiting the slave trade," as to the duties of the agents appointed, on the coast of Africa. I think it proper to state the interpretation which has been given of the act, and the measures adopted to carry it into effect. That Congress may, should it be deemed advisable, amend the same, before further proceeding is had under it.

The obligation to instruct the commander of all our armed vessels to seize and bring into port all ships or vessels of the United States, wheresoever found, having on board any negro, mulatto, or person of color, in violation of former acts for the suppression of the slave trade, being imperative, was executed without delay.

No seizures have yet been made, but as they were contemplated by the law, and might be presumed, it seemed proper to make the necessary regulations applicable to such seizures, for carrying the several provisions of the act into effect.

It is enjoined on the Executive to cause all negroes, mulattoes, or persons of color, who may be taken under the act, to be removed to Africa. It is the obvious import of the law, that none of the persons thus taken should remain within the U. States; and no place other than the coast of Africa being designated, their removal or delivery, whether carried from the United States or landed immediately from the vessels in which they were taken, was supposed to be confined to that coast. No settlement or station being specified, the whole cost was thought to be left open for the selection of a proper place, at which the persons thus taken should be delivered. The Executive is authorised to appoint one or more agents, residing at or near the place where landed. Some shelter and food would be necessary for them there, as soon as landed, let their subsequent disposition be what it might. Should they be landed without such provision having been previously made, they must perish. It was supposed, by the authority given to the Executive to appoint agents residing on that coast, that they should provide such shelter and food, and perform the other benevolent and charitable offices, contemplated by the act. The coast of Africa having been little explored, and no persons residing there who possessed the requisite qualifications to entitle them to the trust, being known to the Executive, to none such could it be committed. It was believed that citizens only who would go hence, well instructed in the views of their government, & zealous to give them effect, would be competent to those duties, and that it was not the intention of the law to preclude their appointment. It was obvious that longer these persons should be detained in the United States, in the hands of the marshals, the greater would be the expense, and that for the same term would be the main purpose of the law be suspended. It seemed, therefore, to be incumbent on me to make the necessary arrangements for carrying this act into effect in Africa, in time to meet the delivery of any persons who might be taken by our public vessels, and landed there under it.

On this view of the policy & sanctions of the law, it has been decided to send a public ship to the coast of Africa, with two such agents, who will take them tools and other implements necessary for the purpose above mentioned. To each of these agents a small salary has been allowed—1500 dollars to the principal, and 1200 to the other. All our public agents on the coast of Africa receive salaries for their services, and it was understood that none of our citizens, possessing the requisite qualifications would accept these trusts, by which they would be confined to parts the least frequented and civilized, without a reasonable compensation. Such allowance, therefore seemed to be indispensable to the execution of the act.

It is intended also to subject a portion of the sum appropriated, to the order of the principal agent, for the special objects above stated, amounting in the whole, including the salary of the agents for one year, to rather less than one-third of the appropriation. Special instructions will be given to these agents, defining, in precise terms, their duties in regard to the persons thus delivered to them; the disbursement of the money by the principal agent; and his accountability for the same. They will also have power to select the most suitable place on the coast of Africa, at which all persons who may be taken under this act, shall be delivered to them, with an express injunction to exercise no power founded on the principal of colonization, or other power than that of performing the benevolent offices above recited, by

the permission and sanction of the existing government, under which they may establish themselves. Orders will be given to the commander of the public ship, in which they will sail, to cruise along the coast, to give the more complete effect to the principal object of the act.

JAMES MONROE.

Washington, Dec. 17th, 1818.

The Message was read, and, on motion of Mr. Lincoln, referred to the committee on the slave trade, and ordered to be printed.

The following Message was also received from the President of the U. States:

To the Senate and the House of Representatives of the U. States:

In compliance with a resolution of Congress, of 27th March, 1818, the journal, acts, and proceedings of the convention which formed the present constitution of the United States, have been published. The resolution directs that one thousand copies should be printed, of which one copy should be furnished to each member of the Fifteenth Congress, and the residue to be subject to the future disposition of Congress. The number of copies sufficient to supply the members of the late Congress having been reserved for that purpose, the remainder are now deposited at the Department of State, subject to the orders of Congress. The other documents mentioned in the resolution of 27th March 1818, are in the process of publication.

JAMES MONROE.

Which message was read, and ordered to lie on the table.

STATE LEGISLATURE.

Joint Resolution, introduced by Mr. Blake, as passed the House of Representatives, on Tuesday, Dec. 28.

WHEREAS, from the nature of our Governments, both local and general, the happiness and prosperity of the people depend upon a pride of character; and the appointment to such Federal offices, as are confined to a State, and civil in their character, of persons who are foreigners to it, when it has citizens of equal or superior merit, is calculated to depreciate it, and must mortify the feelings of its citizens generally.

And whereas also, in the opinion of the General Assembly, (unknown to the President of the United States, whose intentions and opinions, it is believed, correspond with those of the General Assembly, and whose object is to respect the S. Governors, and also the citizens therof,) the vacancy occasioned by the removal of the late Receiver of Public Monies, incenses, during the last recess of Congress, was filled with a youth and citizen of another State, without consulting in any manner the Representation in Congress from our own state.

Therefore,

Resolved by the General Assembly of the state of Indiana, That our Senators in Congress be instructed and our Representative requested to use every reasonable exertion to prevent the appointment to offices, as before said, of persons who are not citizens of the State in which the offices are to be exercised.

Resolved, That copies of the foregoing preamble and resolution be made out, and his Excellency the Governor be requested to forward one to the President of the U. States, one to each of the Heads of Departments, and one to each of our Senators, and our Representative in Congress.

Which Resolution was read the third time and passed.

Ayes—Messrs. Allen, Blake, Chambers, Crisler, Dunbar, Fwing, Graham, Grass, Hay, Hill, Holman, Jelley, John, Liedley, Lim, Milroy, Morgan, Ross, Sailor, Sullivan, Thompson, Warner, Zenor, and Dunu, (Speaker) —24.

Nays—Messrs. Evans, Maddox, Merrill and Thompson—4.

The Joint Resolution introduced by Mr. Blake, as it was amended, and passed in the Senate.

WHEREAS, from the nature of our governments, both local and general, the happiness and prosperity of the people depend much upon a pride of character; and the appointment to such federal offices, as are confined to a State and civil in their character, of persons who are foreign to it, when it has citizens of equal or superior merit, is calculated to depreciate it, must mortify the feelings of its citizens generally.

And whereas, in the opinion of the General Assembly, our Representatives in Congress should be consulted in relation to such appointments, at least so far as to ascertain who are citizens of the State, and qualified to be acceptable to it.

Therefore,

RESOLVED, by the general assembly of the State of Indiana, That our Senators in Congress be instructed