

word to distinguish moving water from that which stands still. Of the *Plein*, below its point of approach to the lake, we would remark that it has hardly the attributes of a river, being, in most places, without current and without banks, lying as a sheet of water in the prairie, sometimes a mile wide, and so shallow that the tall grass appears almost everywhere above its surface. Having said thus much of the facility of communication by the *Chicago*, we would now remark that several other routes are perfectly practicable. 1st. From a point in the lake south of *Chicago*, to enter the *Plein* below Mount *Juliet*, at or near what is called Lake *Despage*, but which is only a dilatation of the waters of the *Plein*. This route would lie over level prairie, through a multitude of small lakes or ponds, which have neither name nor place in any map. 2d. By a canal leaving the lake near its south end, and uniting with the *Theakiki* just above its confluence with the *Plein*. Both of these canals would be fed from the lake; would require few or no locks; would go over ground of the same sort; would be fifty or sixty miles long, and would join the waters of the Illinois at points from which it is constantly navigable. A third route was spoken of, but not seen by us. It would lie between the *Theakiki* and the St. Joseph's of the lake. Information says that it has been practised by French traders. You will perceive, sir, that we have not spoken of the nature of the soil through which these several routes would pass. It not being our business to search for, and report upon the practicability of water communications, our observations were limited to what fell under the eye while engaged in another duty; and, in making this report to you, it is our object to excite inquiry, not to furnish plans of practicable projects. We shall, therefore, only say, on this point, that the country in general, and the bed of the *Plein*, exhibited much loose stone and pebble and firm ground.

To conclude: the route by the *Chicago*, as followed by the French since the discovery of the Illinois, presents at one season of the year an uninterrupted water communication for boats of six or eight tons burden between the Mississippi and the Michigan lake; at another season, a portage of two miles; at another, a portage of seven miles, from the bend of the *Plein* to the arm of the lake; at another, a portage of fifty miles, from the mouth of the *Plein* to the lake, over which there is a well-beaten wagon road, and boats and their loads are hauled by oxen and vehicles kept for that purpose by the French settlers at the *Chicago*.

Respectfully, your obedient servants,

R. GRAHAM,
JOSEPH PHILIPS.

The Hon. J. C. CALHOUN, *Secretary of War, Washington.*

16th CONGRESS.]

No. 475.

[1st SESSION.]

APPLICATION OF MISSOURI FOR ADMISSION INTO THE UNION AS A STATE.

COMMUNICATED TO THE SENATE, DECEMBER 29, 1819.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled: The memorial of the Legislative Council and House of Representatives of the Territory of Missouri, in the name and behalf of the people of said Territory, respectfully sheweth:

That their Territory contains at present a population little short of one hundred thousand souls, which is daily increasing with a rapidity almost unexampled; that their territorial limits are too extensive to admit of a convenient, proper, and equal administration of Government; and that the present interest and accommodation, as well as the future growth and prosperity of their country, will be greatly promoted by the following division, which your memorialists propose, to the end that the people may be authorized by law to form a constitution and establish a State Government within the following limits:

Beginning at a point in the middle of the main channel of the Mississippi river, at the thirty-sixth degree of north latitude, and running thence in a direct line to the mouth of Big Black river, (a branch of White river;) thence up the main branch of White river, in the middle of the main channel thereof, to where the parallel of thirty-six degrees thirty minutes north latitude crosses the same; thence, with that parallel of latitude, due west, to a point from which a due north line will cross the Missouri river at the mouth of Wolf river; thence due north to a point due west of the mouth of Rock river; thence due east to the middle of the main channel of the river Mississippi, opposite the mouth of Rock river; and thence down the river Mississippi, in the middle of the main channel thereof, to the place of beginning.

These are limits which, to a superficial observer, glancing over the chart of our country, would seem a little unreasonable and extravagant, but which a slight attention to its geography (or more properly to its topography) will be sufficient to satisfy your honorable body are not only proper, but necessary. The districts of country that are fertile and susceptible of settlement are small, and are detached and separated from each other at great distances by immense plains and barren tracts, which must for ages remain waste and uninhabited. These distant frontier settlements, thus insulated, must ever be weak and powerless in themselves, and can only become important and respectable by being united; and one of the great objects your memorialists have in view is the formation of an effectual barrier for the future against Indian incursions, by pushing forward and fostering a strong settlement on the little river Platte to the west, and on the Des Moines to the north.

Your memorialists are free to declare, and are happy in declaring, that they do not feel the necessity of enforcing their wishes by an elaborate detail of the blessings of self-government, or a particular enumeration of the rights and immunities guaranteed to them by the treaty of cession. Your memorialists feel a firm confidence, founded on the wise and generous policy heretofore pursued by your honorable body, (and to which they owe their existence as a portion of the great American family,) that they need only pray to be incorporated in the Union, and to show that it is not only "possible," but convenient and proper, (according to the principles of the federal constitution,) to have their prayer answered.

There are many grievances of which your memorialists might complain, and complain heavily, too, and many that are much more easily felt than described; yet most of them, it must be confessed, are inseparable from the form of government under which they live, and none of them have been imposed through choice by the General Gov-

ernment; and your memorialists can feel no wish or motive now to complain of old grievances they have long borne with patiently; cheered with the hope that their sufferings must soon have an end, they would choose rather to forget them. There are, however, rights, privileges, and immunities belonging to citizens of the United States, which your memorialists would proudly claim, to which they aspire, and with which they pray to be invested. These, they fondly believe, should not, and will not now, be regarded by your honorable body as mere matters of grace and favor.

And though the enclosed documents are not so satisfactory as your memorialists would wish to have forwarded, they may still serve to show you that the population included within the counties of New Madrid, Lawrence, St. Genevieve, Cape Girardeau, Washington, St. Louis, St. Charles, and Howard, (which are within the above limits,) is more than equal to the number of inhabitants heretofore required by the laws and constitution of the United States, upon the admission of any new State into the Union; and that, whilst every thing is hoped for from the spirit of a generous and enlightened policy, much might have been claimed in justice on the faith of the treaty of cession.

DAVID BARTON,
Speaker of the House of Representatives.
BENJAMIN EMMONS,
President of the Legislative Council.

ST. LOUIS, November 21, 1818.

The foregoing is a true copy of the original.

D. BARTON,
Speaker of the House of Representatives of the Territory of Missouri.

16th CONGRESS.]

No. 476.

[1st SESSION.]

CONTESTED ELECTION OF ORSAMUS C. MERRILL, A REPRESENTATIVE FROM VERMONT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 5, 1820.

Mr. TAYLOR made the following report:

The Committee of Elections, to whom was referred the petition of Rollin C. Mallary, contesting the election of Orsamus C. Merrill, who is returned as one of the Representatives of the State of Vermont in the present Congress, and praying to be admitted to a seat in his stead, have had the same under consideration, and report:

That the law of Vermont requires that, after the poll of the election shall be closed, and the result ascertained, a certificate of the number of votes given for each candidate, (of which a record shall be made in the town clerk's office,) signed by the presiding officer, shall be by him sealed up and superscribed, and shall be delivered to the Representative of the same or an adjoining town, who shall deliver it to a canvassing committee, to be chosen by the General Assembly. That the committee shall, on the Monday next following the second Thursday of October, sort and count such votes, and shall declare the six persons having the greatest number of votes duly elected as Representatives to represent the State in the Congress of the United States, and shall give notice thereof to the Chief Magistrate of the said State. The canvassing committee are required to make a list of the certificates by them considered legal, and also a list of such votes as are deemed illegal, and lodge a copy thereof with the clerk of the General Assembly, and the original certificates with the Secretary of State, to be by him preserved until after the first session of the Congress for which the election was held. The Governor is required to execute proper credentials to the persons declared to be elected agreeably to the said act.

The election in that State for Representatives in the present Congress was held by general ticket, on the first Tuesday of September, 1818, under the said election law. Thirteen candidates were supported by the freemen at the said election. The canvassing committee, in executing the duty required of them by the act above mentioned, counted and allowed to the sitting member 6,955, and to the petitioner 6,879 votes. They rejected, of the votes returned for the sitting member, in the town of Wardsboro', 24, and in the town of Berlin 59. They rejected, of the votes returned for the petitioner in Fairhaven, 90, and in Plymouth 42. These votes are claimed by the petitioner. He also claims to be allowed the following votes, which, from the copies of the town records laid before the committee, appear to have been given in his favor according to law, but which were not returned to the canvassing committee—in Woodbury 56, and in Goshen 27. If the votes in these four towns be added to the poll of the petitioner, it will give him 57 votes over the sitting member, even if the Wardsboro' and Berlin votes be counted in his favor. The petitioner admits that these votes ought to be allowed to the sitting member; but no evidence of their legality has been submitted to the Committee of Elections.

It is sufficiently proved that, in Fairhaven, Plymouth, Woodbury, and Goshen, the votes were given according to law, and certificates thereof were duly recorded in the town clerk's office of the several towns. But the presiding officer of the election in Fairhaven did not, as the law directs, seal up the certificate of votes after it had been recorded in the clerk's office, but sent it unsealed to the canvassing committee. For this cause, it was by them rejected. No fraud is alleged, nor has the mistake done any injury to the sitting member. The town clerk's record is doubtless designed to guard against fraud. And it has not been the practice of the House of Representatives to allow votes legally given to be defeated by the mistake or negligence of a returning officer, especially in mere matter of form. The committee are of opinion that the votes of this town ought to be allowed to the petitioner.

The votes of Plymouth were rejected by the canvassing committee on account of the informality of the certificate of the presiding officer. It is in the following words: